

AGENDA
VILLAGE OF WHEELING REGULAR MEETING
MONDAY, JUNE 7, 2010 AT 6:30 P.M.
BOARD ROOM, 2 COMMUNITY BOULEVARD,
WHEELING, ILLINOIS
VILLAGE PRESIDENT JUDY ABRUSCATO PRESIDING

THIS MEETING WILL BE TELEVISED ON WHEELING CABLE CHANNELS 17 & 99

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE**
- 3. ROLL CALL FOR ATTENDANCE**
- 4. APPROVAL OF MINUTES:** Regular Meeting of May 17, 2010
 Special Meeting of May 24, 2010
- 5. CHANGES TO THE AGENDA**
- 6. PROCLAMATIONS, CONGRATULATORY RESOLUTIONS AND AWARDS**

 Proclamation: Wheeling High School Debate Team

 Proclamation: Wheeling High School – Fairchild Challenge

 Proclamation: Anthony Stavros – 40th Anniversary of Employment

 Award: Government Finance Officers Association (GFOA) Certificate of
 Achievement for Excellence in Financial Reporting
- 7. APPOINTMENTS AND CONFIRMATIONS**
- 8. ADMINISTRATION OF OATHS**
- 9. CITIZEN CONCERNS AND COMMENTS**
- 10. STAFF REPORTS**
- 11. CONSENT AGENDA - All items listed on the Consent Agenda are considered to be routine by the Village Board and will be enacted by one motion. There will be no separate discussion of these items unless a Board member or citizen so requests, in which event the item will be removed from the general order of business and considered after all other regular Agenda items.**
 - A. Resolution** Accepting Federal Emergency Management (FEMA) Staffing Adequate Fire & Emergency Response (SAFER) Grant EMW-2009-FH-00201
 - B. Ordinance** Ascertaining the Prevailing Rate of Wages
 - C. Ordinance** Amending Ordinance No. 4518, Which Granted Site Plan – Building Appearance Approval for a Retail Video Store at 995 S. Elmhurst Road to Correct a Scrivener’s Error (Docket No. PC 10-6)

- D. **Ordinance** Amending Ordinance 4499 Which Granted Special Use and Associated Site Plan Approval for a Daycare Center at 149 South Milwaukee Avenue to Correct a Scrivener's Error

12. **OLD BUSINESS**

13. **NEW BUSINESS All listed items for discussion and possible action**

- A. **Resolution** Authorizing the Village President and Village Clerk to Execute an Agreement between the Village and Consolidated Commercial Properties LLC for the Lease of Village Owned Property Located at 300 S. Milwaukee Avenue, Wheeling, Illinois
- B. **Resolution** Authorizing Change Order No. 2 & Final to the Construction Contract with Glenbrook Excavating & Concrete, Inc. for the Wolf Road Sanitary Sewer and Water Main Replacement Project
- C. **Ordinance** Authorizing the Sale of Personal Property Owned by the Village of Wheeling
- D. **Ordinance** Granting Variations from Title 21, Signs, of the Wheeling Municipal Code, to Permit Two (2) Off-Site Development Signs for the Prairie Park Planned Condominiums
- E. **Ordinance** Amending Ordinance No. 4079, Granting a Special Use for a Sit-Down/Carry-Out Restaurant (Café and Deli) at 250-252 McHenry Road (within Creekside Plaza Shopping Center)

14. **OFFICIAL COMMUNICATIONS**

15. **APPROVAL OF BILLS** May 13, 2010 – June 2, 2010

16. **EXECUTIVE SESSION**

17. **ACTION ON EXECUTIVE SESSION ITEMS, IF REQUIRED**

18. **ADJOURNMENT**

IF YOU WOULD LIKE TO ATTEND A VILLAGE MEETING BUT REQUIRE AN AUXILIARY AID, SUCH AS A SIGN LANGUAGE INTERPRETER, PLEASE CALL 847-499-9085 AT LEAST 72 HOURS PRIOR TO THE MEETING.

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #11.A
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING: June 7, 2010

TITLE OF ITEM SUBMITTED:

**Resolution Accepting Federal Emergency Management (FEMA) Staffing
Adequate Fire & Emergency Response (SAFER) Grant EMW-2009-FH-00201**

SUBMITTED BY: Keith MacIsaac, Fire Chief

BASIC DESCRIPTION OF ITEM¹:

Acceptance of grant to pay for refilling three (3) Firefighter/Paramedics positions. Grant provides funding for salaries and benefits for two (2) years (estimated value: \$488,909.00). Grant period is for three (3) years with the Village of Wheeling being responsible for maintaining approved staffing levels during this period and paying all expenses with these three (3) positions in the third (3rd) year of the grant.

BUDGET²: \$488,909.00 (est.) – FEMA Grant

BIDDING³: N/A

EXHIBIT(S) ATTACHED:

1. Memo – Fire Chief Keith MacIsaac (May 24, 2010)
2. Resolution
3. FEMA E-mail (April 5, 2010)
4. FEMA E-mail (May 6, 2010)

RECOMMENDATION: Approval

SUBMITTED FOR BOARD CONSIDERATION: Village Manager 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered

RESOLUTION NUMBER: _____

**RESOLUTION ACCEPTING FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA) STAFFING
ADEQUATE FIRE & EMERGENCY RESPONSE (SAFER) GRANT
EMW-2009-FH-00201**

WHEREAS, the Wheeling Fire Department has identified the need to replace six (6) emergency response positions vacated due to attrition, in order to maintain adequate fire suppression and emergency medical services to the residents and businesses of the community; and

WHEREAS, application was made and accepted by the Federal Emergency Management Agency (FEMA) for funding three (3) of these positions through the "Staffing Adequate Fire & Emergency Response (SAFER)" grant program; and

WHEREAS, it has been determined to be in the best interest of the community to accept this grant award in order to off-set some of the costs associated with these three (3) positions over the next several years; and

WHEREAS, the Village of Wheeling acknowledges that in order to remain eligible for receiving funds from this grant, the Village of Wheeling is obligated to maintain its Fire Department emergency response staffing at fifty (50) personnel during the three (3) year term of the grant and to fund all expenses associated with these three (3) new employees during the third (3rd) year of the grant.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS, that the 2009 "Staffing Adequate Fire & Emergency Response (SAFER)" grant issued by the Federal Emergency Management Agency (FEMA), EMW-2009-FH-00201 is hereby accepted.

Trustee _____ moved, adopted by Trustee _____ that
Resolution Number _____ be adopted.

President Abruscato	_____	Trustee Horcher	_____
Trustee Argiris	_____	Trustee Lang	_____
Trustee Brady	_____	Trustee Vogel	_____
Trustee Heer	_____		

ADOPTED this 7th day of June 2010 by the Village President and Board of Trustees of the Village of Wheeling, Illinois.

Judy Abruscato, Village President

ATTEST:

Elaine E. Simpson, Village Clerk



MEMO

To: Jon Sfondilis, Village Manager

From: Keith S. MacIsaac, Fire Chief KSM

CC: Michael Crotty, Assistant Village Manager
Michael Mondschain, Finance Director
FF/PM Paul Lisowski, Grant Coordinator
FILE – 2009 SAFER Grant (EMW-2009-FH-00201)

Date: May 24, 2010

Re: Acceptance of FEMA "Staffing Adequate Fire & Emergency Response (SAFER)" Grant – Three (3) Firefighter/Paramedic Positions

EXECUTIVE SUMMARY

Acceptance of Federal Emergency Management Agency (FEMA) grant to provide three (3) new Firefighter/Paramedic positions. Grant pays salaries and benefits for first two (2) years with no Village of Wheeling matching fund requirement during this period. The Village of Wheeling must agree to fully fund these new positions during the third (3rd) year of the grant. Estimated value of grant over two (2) years: \$488,909.00.

In mid-2009, the Wheeling Fire Department applied for a Federal Emergency Management Agency (FEMA) "Staffing Adequate Fire & Emergency Response (SAFER)" grant. The request was based upon the anticipated retirement of LT/PM Michael Burns, FF/PM Thomas Biermann, and FF/PM Jeff Suzuki in late 2009 and early 2010. The grant request was based upon the anticipated emergency personnel staffing of fifty (50); thirty-nine (39) Firefighter/Paramedics, six (6) Lieutenant/Paramedics, three (3) Battalion Chiefs, one (1) Deputy Fire Chief, and one (1) Fire Chief. Based upon our application, FEMA approved our grant request on April 5, 2010 to provide full funding of these three (3) anticipated new hires. Under revised SAFER grant conditions, FEMA would pay all salaries and benefits for the first two (2) years with the Village of Wheeling being responsible for all expenses for these three (3) new employees in the third (3rd) year of the grant. Based upon our projections, this grant would pay approximately \$488,909.00 to the Village of Wheeling during the first two (2) years of the grant.

In February 2010, the Village of Wheeling offered an early retirement incentive to all employees. As a result of this program, three (3) additional members of the Fire Department accepted early retirement, resulting in a further reduction in the number of emergency response personnel within the Fire Department to forty-four (44). The Village Board agreed at that time to authorize the hiring of six (6) new Firefighter/Paramedics to return the emergency response staffing of the Fire Department to fifty (50). Because of this change in initial staffing levels, an amended grant request needed to be submitted to FEMA for their review and approval. On May 6, 2010, FEMA issued us a technical waiver to proceed with funding the three (3) positions as long as the Fire Department's emergency response staffing was maintained at fifty (50) positions throughout the three (3) year term of the grant.

Now that all technicalities regarding the FEMA grant have been resolved, I am recommending that the Village of Wheeling formally accept the FEMA 2009 SAFER Grant in order to pay for three (3) of the authorized six (6) new Firefighter/Paramedic hires. This grant will save the Village of Wheeling an estimated \$488,909.00 during the first two (2) years of the three (3) year grant program. This staffing level will allow us to continue to operate a third (3rd) ambulance daily while providing a "jump company" to Ladder Truck 42.

If this meets with your approval, I am recommending review and approval by the Village Board at their upcoming meeting. Attached is the necessary resolution for their approval.

2009 SAFER GRANT

Period of Performance: June 30, 2009-June 29, 2012

Purpose: To hire three (3) new firefighters. FEMA will pay all costs for salary and benefits for the first two (2) years. Wheeling needs to pay for the 3rd year.

FEMA's share \$488,909
VOW's share: \$0

<u>Cost breakdown</u>	<u>YEAR 1</u>	<u>YEAR 2</u>
Salary per FF/PM	\$57,485.00	\$63,233.33
Benefits per FF/PM	\$20,119.66	\$22,131.66
 TOTAL Per FF/PM	 \$77,604.66	 \$85,364.99
x 3 FF/PM's		
 TOTAL AWARDED	 \$232,813.98	 \$256,094.97

VOW Responsibilities:

- Maintain staffing levels of at least 50 Firefighters (Including Chiefs) for three (3) years
- Replace any firefighters who retire or leave during the three year period

Paul Lisowski

From: firegrants@dhs.gov
Sent: Monday, April 05, 2010 12:29 PM
To: Paul Lisowski
Subject: Award Notification (Application Number: EMW-2009-FH-00201)

Congratulations!

Your grant application submitted under the Grant Programs Directorate's (GPD/FEMA of DHS) FY 09 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program has been approved for award. Please go to <https://portal.fema.gov>. This will take you to the AFG eGrants system. Enter your User Name and Password as requested on the login screen (on the left). Your User Name and Password are the same as those used to complete the application on-line. Once you are in the system, you will see a list of all of the grants your department has applied for under the current User ID. On the right-hand side of the screen, you will see the Action column for the various applications/awards. For your FY 09 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program application, select View Award Package from the drop-down menu and click "Go". Please print your Award Package for your grant files.

While you are in the system, you will see a link that says Update 1199A in the Action column. If you have not already done so, you will need to complete the SF-1199a on-line and submit the form electronically. If the AFG system confirms the accuracy of your information, you will have completed this process and no further action is necessary. If you have supplied additional or new information, or if the system is unable to verify your information, you will see a link to print the SF-1199a. Then you must take this form to your bank as they must complete Section 3 (bottom portion). Once the form has been filled out in its entirety, you must fax the completed form to FEMA's SF-1199a Processing Staff at 301-998-8699. You should keep the original form in your grant file.

You will receive an email notification that your SF-1199a Direct Deposit Sign-up Form has been approved. You will be allowed to make online payment requests for awarded applications only. If you have any questions regarding your SF-1199a, please call contact the AFG help desk 1-866-274-0960.

Paul Lisowski

From: Blankenship, Patricia [Patricia.Blankenship@dhs.gov]
Sent: Thursday, May 06, 2010 2:04 PM
To: Paul Lisowski
Cc: Blankenship, Patricia; Evans, Melissa (CTR)
Subject: RE: SAFER Grant 09-FH-00201 Wheeling Illinois Waiver

Good afternoon Mr. Lisowski,

Your petition for a waiver of the 2009 SAFER grant non-supplanting (staffing maintenance) requirement for 1 operational position has been reviewed by the program office. This request meets SAFER grant requirements and has been approved and copied to your grant file. The new baseline staffing levels approved under the grant are as follows. Please note that this revision to your baseline staffing level will not be evident in your grant application/Applicant Characteristics I section.

Total career positions at time of application, per application: 48 Total career positions, based on approved waiver (not counting awarded SAFER positions): 47 Total career positions to be maintained, including the 3 awarded SAFER positions: 50

NFPA support positions at time of application, per application: 48*

*Note: based on the information in your waiver request, this number will be adjusted to 46 NFPA support positions to be maintained, based on approved waiver (not counting awarded SAFER positions): 46 NFPA support positions to be maintained, including the 3 awarded SAFER positions: 49

If your staffing circumstances are subject to further change, it is incumbent upon you to inform the program office of any additional changes.

If you have any further questions regarding your SAFER grant, please contact your SAFER program specialist or the AFG Help Desk at 1-866-274-0960.

Patti Blankenship
Fire Program Specialist - SAFER Grant

DHS/FEMA/Grant Programs Directorate
Assistance to Firefighters Grant Program Office

(202) 786-9467 Voice
(202) 786-9938 Fax

U.S. Department of Homeland Security
Washington, D.C. 20472



FEMA

Mr. Paul Lisowski
Wheeling Fire Department
255 W. Dundee Road
Wheeling, Illinois 60090-2676

Re: Grant No.EMW-2009-FH-00201

Dear Mr. Lisowski:

On behalf of the Department of Homeland Security (DHS), I am pleased to inform you that your grant application submitted under the FY 2009 Staffing for Adequate Fire and Emergency Response (SAFER) grants has been approved. FEMA's Grant Programs Directorate (GPD), in consultation with the U.S. Fire Administration (USFA), carries out the Federal responsibilities of administering your grant. The approved project costs total to \$488,909.00. The Federal share is \$488,909.00 of the approved amount and your share of the costs is \$0.00.

As part of your award package, you will find Grant Agreement Articles. Please make sure you read and understand the articles as they outline the terms and conditions of your Grant award. Maintain a copy of these documents for your official file. **You establish acceptance of the grant and Grant Agreement Articles when you request and receive any of the Federal grant funds awarded to you.** By accepting the grant, you agree not to deviate from the approved scope of work without prior written approval from FEMA.

If your SF 1199A has been reviewed and approved, you will be able to request payments online. Remember, you should request funds no more frequently than quarterly.

If you have any questions or concerns regarding the process to request your grant funds, please call 1-866-927-5646.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy W. Manning".

Timothy W. Manning
Deputy Administrator for National Preparedness and Protection

Agreement Articles



FEMA

U.S. Department of Homeland Security
Washington, D.C. 20472

AGREEMENT ARTICLES

STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE - Hiring program

GRANTEE: Wheeling Fire Department

PROGRAM: Staffing for Adequate Fire and Emergency Response (SAFER) - Hiring

AGREEMENT NUMBER: EMW-2009-FH-00201

AMENDMENT NUMBER:

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Article I - Project Description

The purpose of the Staffing for Adequate Fire and Emergency Response program is to provide funding directly to fire departments and volunteer firefighter interest organizations in order to help them increase the number of trained, "front-line" firefighters available in their communities.

After careful consideration, FEMA has determined that the grantee's project submitted as part of the grantee's application, and detailed in the project narrative as well as the request details section of the application - including budget information - was consistent with the program's purpose and worthy of award. The grantee shall perform the work described in the approved grant application as itemized in the request details section of the application and further described in the grant application's narrative. These sections of the application are made a part of these grant agreement articles by reference. The grantee may not change or make any material deviations from the approved scope of work outlined in the above referenced sections of the application without prior written approval from FEMA.

Article II - Grantee Concurrence

By requesting and receiving Federal grant funds provided by this grant program, the grantee accepts and agrees to abide by the terms and conditions of the grant as set forth in this document and the documents identified below. By receiving funds under this grant, grantees agree that they will use the funds provided through the

Fiscal Year 2009 Staffing for Adequate Fire and Emergency Response in accordance with these Articles of Agreement and the program guidelines provided in the Fiscal Year 2009 Staffing for Adequate Fire and Emergency Response guidance. All documents submitted as part of the original grant application are made a part of this agreement by reference.

Article III - Period of Performance

The period of performance shall be from **30-JUN-10 to 29-JUN-12**.

Article IV - Amount Awarded

The amount of the award is detailed on the Obligating Document for Award attached to these articles. Following are the budgeted estimates for object classes for this grant (including Federal share plus applicable grantee match):

Personnel	\$362,155.5
Fringe Benefits	\$126,754.43
Travel	\$0.00
Equipment	\$0.00
Supplies	\$0.00
Contractual	\$0.00
Other	\$0.00
Indirect Charges	\$0.00
Total	\$488,909.00

NEGOTIATION COMMENTS IF APPLICABLE (max 4000 characters)

Article V - Financial Guidelines

The grantee and any subgrantee shall comply with the most recent version of the Administrative Requirements, Cost Principles, and Audit Requirements. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

A. Administrative Requirements

1. 44 CFR Part 13, Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments
2. 2 CFR Part 215, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations (OMB Circular A-110)

B. Cost Principles

1. 2 CFR Part 225, Cost Principles for State, Local, and Indian Tribal Governments (OMB Circular A-87)
2. 2 CFR Part 220, Cost Principles for Educational Institutions (OMB Circular A-21)
3. 2 CFR Part 230, Cost Principles for Nonprofit Organizations (OMB Circular A-122)
4. Federal Acquisition Regulations (FAR), Part 31.2 Contract Cost Principles and Procedures, Contracts with Commercial Organizations

C. Audit Requirements

1. OMB Circular A-133, Audits of States, Local Governments, and Nonprofit Organizations

Article VI - Prohibition on Using Federal Funds

The recipient understands and agrees that it cannot use any federal funds, either directly or indirectly, in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government, without the express prior written approval of FEMA.

Article VII - GPD Allocations

The recipient agrees that all allocations and use of funds under this grant will be in accordance with the FY 2009 Staffing for Adequate Fire and Emergency Response Program guidance and application kit.

Article VIII - Financial Reporting

The grantee must complete an on-line, semiannual financial status report to meet FEMA requirements. Semiannual financial reports are due within 30 days of the end of every six month period for the life of the grant. At the end of the performance period, or upon completion of the grantee's final program narrative, the grantee must complete an on-line final financial status report that is required to close out the grant. Although the guidance states extensions will not be granted, if a grantee's performance period is extended beyond the initial period, a periodic performance report is due every six month increment until closeout.

Article IX - FEMA Officials

Program Officer: Tom Harrington is the Program Officer for this grant program. The Program Officer is responsible for the technical monitoring of the stages of work and technical performance of the activities described in the approved grant application. If you have any programmatic questions regarding your grant please call the AFG help desk at 866-274-0960 to be directed to a specialist.

Grants Assistance Officer: Bertram Mckeithen Jr is the Assistance Officer for this grant program. The Assistance Officer is the Federal official responsible for negotiating, administering, and executing all grant business matters.

Grants Management Division POC: The Grants Management Specialist shall be contacted to address all financial and administrative grant business matters for this award. If you have any questions regarding your grant please call ASK-GMD at 866-927-5646 to be directed to a specialist.

FEDERAL EMERGENCY MANAGEMENT AGENCY OBLIGATING DOCUMENT FOR AWARD/AMENDMENT

1. AGREEMENT NO. EMW-2009-FH-00201	2. AMENDMENT NO. 0	3. RECIPIENT NO. 36-6006156	4. TYPE OF ACTION AWARD	5. CONTROL NO. W468987N
6. RECIPIENT NAME AND ADDRESS Wheeling Fire Department 255 W. Dundee Rd Wheeling Illinois, 60090-2676	7. ISSUING OFFICE AND ADDRESS Grant Programs Directorate 500 C Street, S.W. Washington DC, 20472 POC: Belinda Bedran 202-786-9540		8. PAYMENT OFFICE AND ADDRESS FEMA, Financial Services Branch 500 C Street, S.W., Room 723 Washington DC, 20472	
9. NAME OF RECIPIENT PROJECT OFFICER Paul Lisowski	PHONE NO. 3123992073	10. NAME OF PROJECT COORDINATOR Tom Harrington		PHONE NO. 1-866-274-0960
11. EFFECTIVE DATE OF THIS ACTION 30-JUN-10	12. METHOD OF PAYMENT SF-270	13. ASSISTANCE ARRANGEMENT Cost Sharing	14. PERFORMANCE PERIOD From:30-JUN-10 To:29-JUN-12	

Budget Period
From:15-JAN-10 To:30-SEP-10

15. DESCRIPTION OF ACTION

a. (Indicate funding data for awards or financial changes)

PROGRAM NAME ACRONYM	CFDA NO.	ACCOUNTING DATA (ACCS CODE) XXXX-XXX-XXXXXX-XXXXX-XXXX-XXXX-X	PRIOR TOTAL AWARD	AMOUNT AWARDED THIS ACTION + OR (-)	CURRENT TOTAL AWARD	CUMMULATIVE NON-FEDERAL COMMITMENT
SAFER	97.083	2010-M9-3120GF-25000000-4101-D	\$0.00	\$488,909.00	\$488,909.00	\$0.00
TOTALS			\$0.00	\$488,909.00	\$488,909.00	\$0.00

b. To describe changes other than funding data or financial changes, attach schedule and check here.
N/A

16a. FOR NON-DISASTER PROGRAMS: RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO FEMA (See Block 7 for address)

SAFER recipients are not required to sign and return copies of this document. However, recipients should print and keep a copy of this document for their records.

16b. FOR DISASTER PROGRAMS: RECIPIENT IS NOT REQUIRED TO SIGN

This assistance is subject to terms and conditions attached to this award notice or by incorporated reference in program legislation cited above.

17. RECIPIENT SIGNATORY OFFICIAL (Name and Title)
N/A

DATE
N/A

18. FEMA SIGNATORY OFFICIAL (Name and Title)
Bertram McKeithen Jr

DATE
31-MAR-10

Go Back

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #11.B.
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING: Monday, June 7, 2010

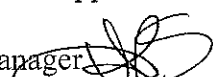
TITLE OF ITEMS SUBMITTED: An Ordinance Ascertaining the Prevailing Rate of Wages

SUBMITTED BY: James V. Ferolo, Village Attorney

BASIC DESCRIPTION OF ITEM: The Illinois Prevailing Wage Act requires municipalities to ascertain the prevailing rate of wages on an annual basis for laborers, mechanics, and other workmen which will be employed within the Village of Wheeling performing construction of public works projects.

EXHIBIT(S) ATTACHED: Ordinance, Cook County Prevailing Wage for June 2010, Lake County Prevailing Wage for June 2010

RECOMMENDATION: Submitted for Approval

SUBMITTED FOR APROVAL: Village Manager 

ORDINANCE NO. 10-_____

**AN ORDINANCE ASCERTAINING
THE PREVAILING RATE OF WAGES**

WHEREAS, the State of Illinois has enacted "An Act regulating wages of laborers, mechanics and other workers employed in any public works by the State, county, city or any public body or any political subdivision or by any one under contract for public works," (hereinafter the "Act"), 820 ILCS 130/0.01 *et seq.*; and

WHEREAS, the aforesaid Act requires that the Board of Trustees of the Village of Wheeling investigate and ascertain the prevailing rate of wages as defined in said Act for laborers, mechanics and other workmen in the locality of the Village of Wheeling employed in, performing construction of public works for the Village of Wheeling.

NOW, THEREFORE, BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS, AS FOLLOWS:

Section A

To the extent and as required by the Act, prevailing rate of wages in the Village of Wheeling for laborers, mechanics and other workmen engaged in the construction of public works coming under the jurisdiction of Wheeling is hereby ascertained to be the same as the prevailing rate of wages for construction work in the Cook County Area and Lake County Area as determined by the Department of Labor of the State of Illinois as of June 2010, copies of those determinations are attached as Exhibit "A" for Cook County and Exhibit "B" for Lake County, which are attached hereto and incorporated herein by reference. The definition of any terms appearing in this Ordinance which are also used in the aforesaid Act shall be the same as in said Act.

Section B

Nothing herein contained shall be construed to apply said general prevailing rate of wages as herein ascertained to any work or employment except public works construction of the Village of Wheeling to the extent required by the Act.

Section C

The Village Clerk shall publicly post or keep available for inspection by any interested party in the main office of the Village this determination of such prevailing rate of wages.

Section D

The prevailing rates herein determined shall investigate and ascertain the prevailing rate of wages on an annual basis under the Act.

Section E

The Village Clerk shall mail a copy of this determination to any employer, and to any association of employers and to any person or association of employees who have filed, or file their names and addresses, requesting copies of any determination stating the particular rates and the particular class of workmen whose wages will be affected by such rates.

Section F

The Village Clerk shall promptly file a certified copy of this Ordinance with both the Secretary of State and the Department of Labor of the State of Illinois no later than July 15, 2010.

Section G

The Village Clerk shall cause to be published in a newspaper of general circulation within the area notice of the passage of this Ordinance, and such publication shall constitute notice that the determination is effective and that this is the determination of the Village of Wheeling. Said notice shall conform substantially to the notice attached hereto as Exhibit "C" and incorporated herein by reference.

Trustee _____ moved, seconded by Trustee _____,
that Ordinance No. _____ be adopted.

President J. Abruscato _____

Trustee D. Argiris _____

Trustee P. Horcher _____

Trustee K. Brady _____

Trustee R. Lang _____

Trustee R. Heer _____

Trustee D. Vogel _____

ADOPTED this _____ day of June, 2010, by the Village President and Board of Trustees of the Village of Wheeling, Illinois.

Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson
Village Clerk

EXHIBIT "A"

Cook County Prevailing Wage for June 2010

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
=====	==	===	=	=====	=====	=====	=====	=====	=====	=====	=====	=====
ASBESTOS ABT-GEN		ALL		35.200	35.700	1.5	1.5	2.0	9.130	8.370	0.000	0.400
ASBESTOS ABT-MEC		BLD		31.540	0.000	1.5	1.5	2.0	9.670	9.610	0.000	0.520
BOILERMAKER		BLD		43.020	46.890	2.0	2.0	2.0	6.720	9.890	0.000	0.350
BRICK MASON		BLD		39.030	42.930	1.5	1.5	2.0	8.800	10.67	0.000	0.740
CARPENTER		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
CEMENT MASON		ALL		41.850	43.850	1.5	1.5	2.0	8.600	9.810	0.000	0.220
CERAMIC TILE FNSHER		BLD		33.600	0.000	2.0	1.5	2.0	6.950	8.020	0.000	0.540
COMM. ELECT.		BLD		36.440	38.940	1.5	1.5	2.0	7.650	7.750	0.000	0.700
ELECTRIC PWR EQMT OP		ALL		39.850	46.430	1.5	1.5	2.0	9.870	12.40	0.000	0.300
ELECTRIC PWR GRNDMAN		ALL		31.080	46.430	1.5	1.5	2.0	7.700	9.680	0.000	0.240
ELECTRIC PWR LINEMAN		ALL		39.850	46.430	1.5	1.5	2.0	9.870	12.40	0.000	0.300
ELECTRICIAN		ALL		40.400	43.000	1.5	1.5	2.0	11.33	9.420	0.000	0.750
ELEVATOR CONSTRUCTOR		BLD		46.160	51.930	2.0	2.0	2.0	10.03	9.460	2.770	0.000
FENCE ERECTOR		ALL		30.700	32.200	1.5	1.5	2.0	7.950	8.430	0.000	0.500
GLAZIER		BLD		37.000	38.500	1.5	1.5	2.0	7.340	12.05	0.000	0.740
HT/FROST INSULATOR		BLD		42.050	44.550	1.5	1.5	2.0	9.670	10.81	0.000	0.520
IRON WORKER		ALL		40.750	42.750	2.0	2.0	2.0	11.00	15.99	0.000	0.300
LABORER		ALL		35.200	35.950	1.5	1.5	2.0	9.130	8.370	0.000	0.400
LATHER		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
MACHINIST		BLD		42.770	44.770	1.5	1.5	2.0	7.750	8.690	0.650	0.000
MARBLE FINISHERS		ALL		29.100	0.000	1.5	1.5	2.0	8.800	10.67	0.000	0.740
MARBLE MASON		BLD		39.030	42.930	1.5	1.5	2.0	8.800	10.67	0.000	0.740
MATERIAL TESTER I		ALL		25.200	0.000	1.5	1.5	2.0	9.130	8.370	0.000	0.400
MATERIALS TESTER II		ALL		30.200	0.000	1.5	1.5	2.0	9.130	8.370	0.000	0.400
MILLWRIGHT		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
OPERATING ENGINEER		BLD	1	45.100	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	2	43.800	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	3	41.250	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	4	39.500	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	5	48.850	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	6	46.100	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	7	48.100	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	1	51.300	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	2	49.800	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	3	44.350	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	4	36.850	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	1	43.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	2	42.750	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	3	40.700	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	4	39.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	5	38.100	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	6	46.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	7	44.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
ORNAMNTL IRON WORKER		ALL		40.200	42.450	2.0	2.0	2.0	8.700	14.04	0.000	0.500
PAINTER		ALL		38.000	42.750	1.5	1.5	1.5	8.350	9.400	0.000	0.670
PAINTER SIGNS		BLD		31.740	35.640	1.5	1.5	1.5	2.600	2.540	0.000	0.000
PILEDRIIVER		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
PIPEFITTER		BLD		43.150	46.150	1.5	1.5	2.0	7.660	9.550	0.000	1.570
PLASTERER		BLD		38.550	40.860	1.5	1.5	2.0	9.000	9.690	0.000	0.450
PLUMBER		BLD		44.000	46.000	1.5	1.5	2.0	9.860	7.090	0.000	1.030
ROOFER		BLD		37.000	40.000	1.5	1.5	2.0	7.500	6.020	0.000	0.330
SHEETMETAL WORKER		BLD		40.460	43.700	1.5	1.5	2.0	9.580	12.35	0.000	0.610
SIGN HANGER		BLD		28.210	29.060	1.5	1.5	2.0	4.450	2.880	0.000	0.000
SPRINKLER FITTER		BLD		40.500	42.500	1.5	1.5	2.0	8.500	6.850	0.000	0.500
STEEL ERECTOR		ALL		40.750	42.750	2.0	2.0	2.0	10.95	15.99	0.000	0.300

STONE MASON	BLD	39.030	42.930	1.5	1.5	2.0	8.800	10.67	0.000	0.740
TERRAZZO FINISHER	BLD	35.150	0.000	1.5	1.5	2.0	6.950	10.57	0.000	0.380
TERRAZZO MASON	BLD	39.010	42.010	1.5	1.5	2.0	6.950	11.91	0.000	0.510
TILE MASON	BLD	40.490	44.490	2.0	1.5	2.0	6.950	9.730	0.000	0.610
TRAFFIC SAFETY WRKR	HWY	24.300	25.900	1.5	1.5	2.0	3.780	1.875	0.000	0.000
TRUCK DRIVER	E ALL 1	30.700	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	E ALL 2	30.950	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	E ALL 3	31.150	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	E ALL 4	31.350	31.350	1.5	1.5	2.0	6.750	5.450	0.000	0.150
TRUCK DRIVER	W ALL 1	32.550	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W ALL 2	32.700	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W ALL 3	32.900	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TRUCK DRIVER	W ALL 4	33.100	33.100	1.5	1.5	2.0	6.500	4.350	0.000	0.000
TUCKPOINTER	BLD	39.200	40.200	1.5	1.5	2.0	7.830	10.25	0.000	0.770

Legend:

M-F>8 (Overtime is required for any hour greater than 8 worked each day, Monday through Friday.)

OSA (Overtime is required for every hour worked on Saturday)

OSH (Overtime is required for every hour worked on Sunday and Holidays)

H/W (Health & Welfare Insurance)

Pensn (Pension)

Vac (Vacation)

Trng (Training)

Explanations

COOK COUNTY

TRUCK DRIVERS (WEST) - That part of the county West of Barrington Road.

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial/Decoration Day, Fourth of July, Labor Day, Veterans Day, Thanksgiving Day, Christmas Day. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration such as the day after Thanksgiving for Veterans Day. If in doubt, please check with IDOL.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATIONS ELECTRICIAN

Installation, operation, inspection, maintenance, repair and service of radio, television, recording, voice sound vision production and reproduction, telephone and telephone interconnect, facsimile, data apparatus, coaxial, fibre optic and wireless equipment, appliances and systems used for the transmission and reception of signals of any nature, business, domestic, commercial, education, entertainment, and residential purposes, including but not limited to, communication and telephone, electronic and sound equipment, fibre optic and data communication systems, and the performance of any task directly related to such installation or service whether at new or existing sites, such tasks to include the placing of wire and cable and electrical power conduit or other raceway work within the equipment room and pulling wire and/or cable through conduit and the installation of any incidental conduit, such that the employees covered hereby can complete any job in full.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may

be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

OPERATING ENGINEER - BUILDING

Class 1. Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson Attachment; Batch Plant; Benoto (requires Two Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Conveyor (Truck Mounted); Concrete Paver Over 27E cu. ft; Concrete Paver 27E cu. ft. and Under; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, One, Two and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Lubrication Technician; Manipulators; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes-Screw Type Pumps; Gypsum Bulker and Pump; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-Form Paver; Straddle Buggies; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, Inside Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Rock Drill (Self-Propelled); Rock Drill (Truck Mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators; Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Low Boys; Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches; Bobcats (up to and including ¾ cu yd.) .

Class 4. Bobcats and/or other Skid Steer Loaders (other than bobcats up to and including ¾ cu yd.); Oilers; and Brick Forklift.

Class 5. Assistant Craft Foreman.

Class 6. Gradall .

Class 7. Mechanics.

OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

Class 1. Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar type machines; ABG Paver; Backhoes with Caisson Attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Tower Cranes of all types: Creter Crane; Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dowell Machine with Air Compressor; Dredges; Formless Curb and Gutter Machine; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck Mounted; Hoists, One, Two and Three Drum; Hydraulic Backhoes; Backhoes with shear attachments; Lubrication Technician; Manipulators; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Rock/Track Tamper; Roto Mill Grinder; Slip-Form Paver; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole Drills (Tunnel Shaft); Underground Boring and/or Mining Machines 5 ft. in diameter and over tunnel, etc; Underground Boring and/or Mining Machines under 5 ft. in diameter; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (Less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; All Locomotives, Dinky; Off-Road Hauling Units (including articulating)/2 ton capacity or more; Non Self-Loading Ejection Dump; Pump Cretes: Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime Mover in Tandem (Regardless of Size); Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Fireman on Boilers; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep

Diggers; Low Boys; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper-Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Hydro- Blaster; Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. Bobcats (all); Brick Forklifts; Oilers.

Class 6. Field Mechanics and Field Welders

Class 7. Gradall and machines of like nature.

OPERATING ENGINEER - FLOATING

Class 1. Craft Foreman; Diver/Wet Tender; and Engineer (hydraulic dredge).

Class 2. Crane/Backhoe Operator; 70 Ton or over Tug Operator; Mechanic/Welder; Assistant Engineer (Hydraulic Dredge); Leverman (Hydraulic Dredge); Diver Tender; Friction and Lattice Boom Cranes.

Class 3. Deck Equipment Operator, Machineryman; Maintenance of Crane (over 50 ton capacity); Tug/Launch Operator; Loader/Dozer and like equipment on Barge; and Deck Machinery, etc.

Class 4. Deck Equipment Operator, Machineryman/Fireman (4 Equipment Units or More); Off Road Trucks (2 ton capacity or more); Deck Hand, Tug Engineer, Crane Maintenance 50 Ton Capacity and Under or Backhoe Weighing 115,000 pounds or less; and Assistant Tug Operator.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

TRAFFIC SAFETY

Work associated with barricades, horses and drums used to reduce lane usage on highway work, the installation and removal of temporary lane markings, and the installation and removal of temporary road signs.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION - EAST & WEST

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances; Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; TEamsters Unskilled

dumpman; and Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

EXHIBIT "B"

Lake County Prevailing Wage for June 2010

Trade Name	RG	TYP	C	Base	FRMAN	*M-F>8	OSA	OSH	H/W	Pensn	Vac	Trng
ASBESTOS ABT-GEN		ALL		35.200	35.700	1.5	1.5	2.0	9.130	8.370	0.000	0.400
ASBESTOS ABT-MEC		BLD		31.540	0.000	1.5	1.5	2.0	9.670	9.610	0.000	0.520
BOILERMAKER		BLD		43.020	46.890	2.0	2.0	2.0	6.720	9.890	0.000	0.350
BRICK MASON		BLD		39.030	42.930	1.5	1.5	2.0	8.800	10.67	0.000	0.740
CARPENTER		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
CEMENT MASON		ALL		40.300	42.300	2.0	1.5	2.0	8.900	11.08	0.000	0.150
CERAMIC TILE FNSHER		BLD		33.600	0.000	2.0	1.5	2.0	6.950	8.020	0.000	0.540
COMMUNICATION TECH		BLD		33.130	35.230	1.5	1.5	2.0	9.280	9.270	1.330	0.480
ELECTRIC PWR EQMT OP		ALL		33.140	42.570	1.5	1.5	2.0	4.750	10.27	0.000	0.250
ELECTRIC PWR GRNDMAN		ALL		25.680	42.570	1.5	1.5	2.0	4.750	7.960	0.000	0.190
ELECTRIC PWR LINEMAN		ALL		39.420	42.570	1.5	1.5	2.0	4.750	12.22	0.000	0.300
ELECTRIC PWR TRK DRV		ALL		26.520	42.570	1.5	1.5	2.0	4.750	8.230	0.000	0.200
ELECTRICIAN		BLD		38.350	42.190	1.5	1.5	2.0	11.13	11.89	1.530	0.540
ELEVATOR CONSTRUCTOR		BLD		46.160	51.930	2.0	2.0	2.0	10.03	9.460	2.770	0.000
FENCE ERECTOR		ALL		30.700	32.200	1.5	1.5	2.0	7.950	8.430	0.000	0.500
GLAZIER		BLD		37.000	38.500	1.5	1.5	2.0	7.340	12.05	0.000	0.740
HT/FROST INSULATOR		BLD		42.050	44.550	1.5	1.5	2.0	9.670	10.81	0.000	0.520
IRON WORKER		ALL		40.750	42.750	2.0	2.0	2.0	11.00	15.99	0.000	0.300
LABORER		ALL		35.200	35.950	1.5	1.5	2.0	9.130	8.370	0.000	0.400
LATHER		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
MACHINIST		BLD		42.770	44.770	1.5	1.5	2.0	7.750	8.690	0.650	0.000
MARBLE FINISHERS		ALL		29.100	0.000	1.5	1.5	2.0	8.800	10.67	0.000	0.740
MARBLE MASON		BLD		39.030	42.930	1.5	1.5	2.0	8.800	10.67	0.000	0.740
MATERIAL TESTER I		ALL		25.200	0.000	1.5	1.5	2.0	9.130	8.370	0.000	0.400
MATERIALS TESTER II		ALL		30.200	0.000	1.5	1.5	2.0	9.130	8.370	0.000	0.400
MILLWRIGHT		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
OPERATING ENGINEER		BLD	1	45.100	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	2	43.800	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	3	41.250	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	4	39.500	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	5	48.850	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	6	46.100	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		BLD	7	48.100	49.100	2.0	2.0	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	1	51.300	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	2	49.800	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	3	44.350	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		FLT	4	36.850	51.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	1	43.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	2	42.750	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	3	40.700	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	4	39.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	5	38.100	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	6	46.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
OPERATING ENGINEER		HWY	7	44.300	47.300	1.5	1.5	2.0	11.70	8.050	1.900	1.150
ORNAMNTL IRON WORKER		ALL		40.200	42.450	2.0	2.0	2.0	8.700	14.04	0.000	0.500
PAINTER		ALL		38.000	42.750	1.5	1.5	1.5	8.350	9.400	0.000	0.670
PAINTER SIGNS		BLD		31.740	35.640	1.5	1.5	1.5	2.600	2.540	0.000	0.000
PILEDRIIVER		ALL		40.770	42.770	1.5	1.5	2.0	9.840	9.790	0.000	0.490
PIPEFITTER		BLD		43.150	46.150	1.5	1.5	2.0	7.660	9.550	0.000	1.570
PLASTERER		BLD		38.690	41.010	2.0	1.5	2.0	8.900	11.08	0.000	0.150
PLUMBER		BLD		42.650	45.150	1.5	1.5	2.0	9.900	9.450	0.000	0.950
ROOFER		BLD		37.000	40.000	1.5	1.5	2.0	7.500	6.020	0.000	0.330
SHEETMETAL WORKER		BLD		40.460	43.700	1.5	1.5	2.0	9.580	12.35	0.000	0.610
SIGN HANGER		BLD		28.210	29.060	1.5	1.5	2.0	4.450	2.880	0.000	0.000
SPRINKLER FITTER		BLD		40.500	42.500	1.5	1.5	2.0	8.500	6.850	0.000	0.500

STEEL ERECTOR	ALL	40.750	42.750	2.0	2.0	2.0	10.95	15.99	0.000	0.300
STONE MASON	BLD	39.030	42.930	1.5	1.5	2.0	8.800	10.67	0.000	0.740
TERRAZZO FINISHER	BLD	35.150	0.000	1.5	1.5	2.0	6.950	10.57	0.000	0.380
TERRAZZO MASON	BLD	39.010	42.010	1.5	1.5	2.0	6.950	11.91	0.000	0.510
TILE MASON	BLD	40.490	44.490	2.0	1.5	2.0	6.950	9.730	0.000	0.610
TRAFFIC SAFETY WRKR	HWY	24.300	25.900	1.5	1.5	2.0	3.780	1.875	0.000	0.000
TRUCK DRIVER	ALL 1	32.200	32.750	1.5	1.5	2.0	5.700	5.500	0.000	0.150
TRUCK DRIVER	ALL 2	32.350	32.750	1.5	1.5	2.0	5.700	5.500	0.000	0.150
TRUCK DRIVER	ALL 3	32.550	32.750	1.5	1.5	2.0	5.700	5.500	0.000	0.150
TRUCK DRIVER	ALL 4	32.750	32.750	1.5	1.5	2.0	5.700	5.500	0.000	0.150
TUCKPOINTER	BLD	39.200	40.200	1.5	1.5	2.0	7.830	10.25	0.000	0.770

Legend:

M-F>8 (Overtime is required for any hour greater than 8 worked each day, Monday through Friday.

OSA (Overtime is required for every hour worked on Saturday)

OSH (Overtime is required for every hour worked on Sunday and Holidays)

H/W (Health & Welfare Insurance)

Pensn (Pension)

Vac (Vacation)

Trng (Training)

Explanations

LAKE COUNTY

The following list is considered as those days for which holiday rates of wages for work performed apply: New Years Day, Memorial/Decoration Day, Fourth of July, Day, Veterans Day, Thanksgiving Day, Christmas Day. Generally, any of these holidays which fall on a Sunday is celebrated on the following Monday. This then makes work performed on that Monday payable at the appropriate overtime rate for holiday pay. Common practice in a given local may alter certain days of celebration such as the day after Thanksgiving for Veterans Day. If in doubt, please check with IDOL.

EXPLANATION OF CLASSES

ASBESTOS - GENERAL - removal of asbestos material/mold and hazardous materials from any place in a building, including mechanical systems where those mechanical systems are to be removed. This includes the removal of asbestos materials/mold and hazardous materials from ductwork or pipes in a building when the building is to be demolished at the time or at some close future date.

ASBESTOS - MECHANICAL - removal of asbestos material from mechanical systems, such as pipes, ducts, and boilers, where the mechanical systems are to remain.

CERAMIC TILE FINISHER

The grouting, cleaning, and polishing of all classes of tile, whether for interior or exterior purposes, all burned, glazed or unglazed

products; all composition materials, granite tiles, warning detectable tiles, cement tiles, epoxy composite materials, pavers, glass, mosaics, fiberglass, and all substitute materials, for tile made in tile-like units; all mixtures in tile like form of cement, metals, and other materials that are for and intended for use as a finished floor surface, stair treads, promenade roofs, walks, walls, ceilings, swimming pools, and all other places where tile is to form a finished interior or exterior. The mixing of all setting mortars including but not limited to thin-set mortars, epoxies, wall mud, and any other sand and cement mixtures or adhesives when used in the preparation, installation, repair, or maintenance of tile and/or similar materials. The handling and unloading of all sand, cement, lime, tile, fixtures, equipment, adhesives, or any other materials to be used in the preparation, installation, repair, or maintenance of tile and/or similar materials. Ceramic Tile Finishers shall fill all joints and voids regardless of method on all tile work, particularly and especially after installation of said tile work. Application of any and all protective coverings to all types of tile installations including, but not be limited to, all soap compounds, paper products, tapes, and all polyethylene coverings, plywood, masonite, cardboard, and any new type of products that may be used to protect tile installations, Blastrac equipment, and all floor scarifying equipment used in preparing floors to receive tile. The clean up and removal of all waste and materials. All demolition of existing tile floors and walls to be re-tiled.

COMMUNICATION TECHNICIAN

Low voltage construction, installation, maintenance and removal of telecommunication facilities (voice, sound, data and video) including outside plant, telephone, security systems and data inside wire, interconnect, terminal equipment, central offices, PABX, fiber optic cable and equipment, micro waves, V-SAT, bypass, CATV, WAN (wide area network), LAN (local area networks), and ISDN (integrated system digital network), pulling of wire in raceways, but not the installation of raceways.

MARBLE FINISHER

Loading and unloading trucks, distribution of all materials (all stone, sand, etc.), stocking of floors with material, performing all rigging for heavy work, the handling of all material that may be needed for the installation of such materials, building of scaffolding, polishing if needed, patching, waxing of material if damaged, pointing up, caulking, grouting and cleaning of marble, holding water on diamond or Carborundum blade or saw for setters cutting, use of tub saw or any other saw needed for preparation of material, drilling of holes for wires that anchor material set by setters, mixing up of molding plaster for installation of material, mixing up thin set for the installation of material, mixing up of sand to cement for the installation of material and such other work as may be required in helping a Marble Setter in the handling of all material in the erection or installation of interior marble, slate, travertine, art marble, serpentine, alberene stone, blue stone, granite and other stones (meaning as to stone any foreign or domestic materials as are specified and used in building interiors and exteriors and customarily known as stone in the trade), carrara, sanionyx, vitrolite and similar opaque glass and the laying of all marble tile, terrazzo tile, slate tile and precast tile, steps, risers treads, base, or any other materials that may be used as substitutes for any of the aforementioned materials and which are used on interior and exterior which are installed in a similar manner.

MATERIAL TESTER I: Hand coring and drilling for testing of materials; field inspection of uncured concrete and asphalt.

MATERIAL TESTER II: Field inspection of welds, structural steel, fireproofing, masonry, soil, facade, reinforcing steel, formwork, cured concrete, and concrete and asphalt batch plants; adjusting proportions of bituminous mixtures.

OPERATING ENGINEER - BUILDING

Class 1. Asphalt Plant; Asphalt Spreader; Autograde; Backhoes with Caisson Attachment; Batch Plant; Benoto (requires Two Engineers); Boiler and Throttle Valve; Caisson Rigs; Central Redi-Mix Plant; Combination Back Hoe Front End-loader Machine; Compressor and Throttle Valve; Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Conveyor (Truck Mounted); Concrete Paver Over 27E cu. ft; Concrete Paver 27E cu. ft. and Under; Concrete Placer; Concrete Placing Boom; Concrete Pump (Truck Mounted); Concrete Tower; Cranes, All; Cranes, Hammerhead; Cranes, (GCI and similar Type); Creter Crane; Crusher, Stone, etc.; Derricks, All; Derricks, Traveling; Formless Curb and Gutter Machine; Grader, Elevating; Grouting Machines; Highlift Shovels or Front Endloader 2-1/4 yd. and over; Hoists, Elevators, outside type rack and pinion and similar machines; Hoists, One, Two and Three Drum; Hoists, Two Tugger One Floor; Hydraulic Backhoes; Hydraulic Boom Trucks; Hydro Vac (and similar equipment); Locomotives, All; Motor Patrol; Lubrication Technician; Manipulators; Pile Drivers and Skid Rig; Post Hole Digger; Pre-Stress Machine; Pump Cretes Dual Ram; Pump Cretes: Squeeze Cretes-Screw Type Pumps; Gypsum Bulker and Pump; Raised and Blind Hole Drill; Roto Mill Grinder; Scoops - Tractor Drawn; Slip-Form Paver; Straddle Buggies; Tournapull; Tractor with Boom and Side Boom; Trenching Machines.

Class 2. Boilers; Broom, All Power Propelled; Bulldozers; Concrete Mixer (Two Bag and Over); Conveyor, Portable; Forklift Trucks; Highlift Shovels or Front Endloaders under 2-1/4 yd.; Hoists, Automatic; Hoists, Inside Elevators; Hoists, Sewer Dragging Machine; Hoists, Tugger Single Drum; Rock Drill (Self-Propelled); Rock Drill (Truck Mounted); Rollers, All; Steam Generators; Tractors, All; Tractor Drawn Vibratory Roller; Winch Trucks with "A" Frame.

Class 3. Air Compressor; Combination Small Equipment Operator; Generators; Heaters, Mechanical; Hoists, Inside Elevators; Hydraulic Power Units (Pile Driving, Extracting, and Drilling); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Low Boys; Pumps, Well Points; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches; Bobcats (up to and including 3/4 cu yd.) .

Class 4. Bobcats and/or other Skid Steer Loaders (other than bobcats up to and including 3/4 cu yd.); Oilers; and Brick Forklift.

Class 5. Assistant Craft Foreman.

Class 6. Gradall

Class 7. Mechanics

OPERATING ENGINEERS - HIGHWAY CONSTRUCTION

Class 1. Asphalt Plant; Asphalt Heater and Planer Combination; Asphalt Heater Scarfire; Asphalt Spreader; Autograder/GOMACO or other similar

type machines: ABG Paver; Backhoes with Caisson Attachment; Ballast Regulator; Belt Loader; Caisson Rigs; Car Dumper; Central Redi-Mix Plant; Combination Backhoe Front Endloader Machine, (1 cu. yd. Backhoe Bucket or over or with attachments); Concrete Breaker (Truck Mounted); Concrete Conveyor; Concrete Paver over 27E cu. ft.; Concrete Placer; Concrete Tube Float; Cranes, all attachments; Cranes, Tower Cranes of all types: Creter Crane: Crusher, Stone, etc.; Derricks, All; Derrick Boats; Derricks, Traveling; Dowell Machine with Air Compressor; Dredges; Formless Curb and Gutter Machine; Grader, Elevating; Grader, Motor Grader, Motor Patrol, Auto Patrol, Form Grader, Pull Grader, Subgrader; Guard Rail Post Driver Truck Mounted; Hoists, One, Two and Three Drum; Hydraulic Backhoes; Backhoes with shear attachments; Lubrication Technician; Manipulators; Mucking Machine; Pile Drivers and Skid Rig; Pre-Stress Machine; Pump Cretes Dual Ram; Rock Drill - Crawler or Skid Rig; Rock Drill - Truck Mounted; Rock/Track Tamper; Roto Mill Grinder; Slip-Form Paver; Soil Test Drill Rig (Truck Mounted); Straddle Buggies; Hydraulic Telescoping Form (Tunnel); Tractor Drawn Belt Loader (with attached pusher - two engineers); Tractor with Boom; Tractaire with Attachments; Trenching Machine; Truck Mounted Concrete Pump with Boom; Raised or Blind Hole Drills (Tunnel Shaft); Underground Boring and/or Mining Machines 5 ft. in diameter and over tunnel, etc; Underground Boring and/or Mining Machines under 5 ft. in diameter; Wheel Excavator; Widener (APSCO).

Class 2. Batch Plant; Bituminous Mixer; Boiler and Throttle Valve; Bulldozers; Car Loader Trailing Conveyors; Combination Backhoe Front Endloader Machine (Less than 1 cu. yd. Backhoe Bucket or over or with attachments); Compressor and Throttle Valve; Compressor, Common Receiver (3); Concrete Breaker or Hydro Hammer; Concrete Grinding Machine; Concrete Mixer or Paver 7S Series to and including 27 cu. ft.; Concrete Spreader; Concrete Curing Machine, Burlap Machine, Belting Machine and Sealing Machine; Concrete Wheel Saw; Conveyor Muck Cars (Haglund or Similar Type); Drills, All; Finishing Machine - Concrete; Highlift Shovels or Front Endloader; Hoist - Sewer Dragging Machine; Hydraulic Boom Trucks (All Attachments); Hydro-Blaster; All Locomotives, Dinky; Off-Road Hauling Units (including articulating)/2 ton capacity or more; Non Self-Loading Ejection Dump; Pump Cretes: Squeeze Cretes - Screw Type Pumps, Gypsum Bulker and Pump; Roller, Asphalt; Rotary Snow Plows; Rototiller, Seaman, etc., self-propelled; Scoops - Tractor Drawn; Self-Propelled Compactor; Spreader - Chip - Stone, etc.; Scraper; Scraper - Prime Mover in Tandem (Regardless of Size): Tank Car Heater; Tractors, Push, Pulling Sheeps Foot, Disc, Compactor, etc.; Tug Boats.

Class 3. Boilers; Brooms, All Power Propelled; Cement Supply Tender; Compressor, Common Receiver (2); Concrete Mixer (Two Bag and Over); Conveyor, Portable; Farm-Type Tractors Used for Mowing, Seeding, etc.; Fireman on Boilers; Forklift Trucks; Grouting Machine; Hoists, Automatic; Hoists, All Elevators; Hoists, Tugger Single Drum; Jeep Diggers; Low Boys; Pipe Jacking Machines; Post-Hole Digger; Power Saw, Concrete Power Driven; Pug Mills; Rollers, other than Asphalt; Seed and Straw Blower; Steam Generators; Stump Machine; Winch Trucks with "A" Frame; Work Boats; Tamper-Form-Motor Driven.

Class 4. Air Compressor; Combination - Small Equipment Operator; Directional Boring Machine; Generators; Heaters, Mechanical; Hydraulic Power Unit (Pile Driving, Extracting, or Drilling); Hydro- Blaster; Light Plants, All (1 through 5); Pumps, over 3" (1 to 3 not to exceed a total of 300 ft.); Pumps, Well Points; Tractaire; Welding Machines (2 through 5); Winches, 4 Small Electric Drill Winches.

Class 5. Bobcats (all); Brick Forklifts; Oilers.

Class 6. Field Mechanics and Field Welders

Class 7. Gradall and machines of like nature.

OPERATING ENGINEER - FLOATING

Class 1. Craft Foreman; Diver/Wet Tender; and Engineer (hydraulic dredge).

Class 2. Crane/Backhoe Operator; 70 Ton or over Tug Operator; Mechanic/Welder; Assistant Engineer (Hydraulic Dredge); Leverman (Hydraulic Dredge); Diver Tender; Friction and Lattice Boom Cranes.

Class 3. Deck Equipment Operator, Machineryman; Maintenance of Crane (over 50 ton capacity); Tug/Launch Operator; Loader/Dozer and like equipment on Barge; and Deck Machinery, etc.

Class 4. Deck Equipment Operator, Machineryman/Fireman (4 Equipment Units or More); Off Road Trucks (2 ton capacity or more); Deck Hand, Tug Engineer, Crane Maintenance 50 Ton Capacity and Under or Backhoe Weighing 115,000 pounds or less; and Assistant Tug Operator.

TRAFFIC SAFETY - work associated with barricades, horses and drums used to reduce lane usage on highway work, the installation and removal of temporary lane markings, and the installation and removal of temporary road signs.

TRUCK DRIVER - BUILDING, HEAVY AND HIGHWAY CONSTRUCTION

Class 1. Two or three Axle Trucks. A-frame Truck when used for transportation purposes; Air Compressors and Welding Machines, including those pulled by cars, pick-up trucks and tractors; Ambulances; Batch Gate Lockers; Batch Hopperman; Car and Truck Washers; Carry-alls; Fork Lifts and Hoisters; Helpers; Mechanics Helpers and Greasers; Oil Distributors 2-man operation; Pavement Breakers; Pole Trailer, up to 40 feet; Power Mower Tractors; Self-propelled Chip Spreader; Skipman; Slurry Trucks, 2-man operation; Slurry Truck Conveyor Operation, 2 or 3 man; Teamsters; Unskilled dumpman; and Truck Drivers hauling warning lights, barricades, and portable toilets on the job site.

Class 2. Four axle trucks; Dump Crets and Adgetors under 7 yards; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnapulls or Turnatrailers when pulling other than self-loading equipment or similar equipment under 16 cubic yards; Mixer Trucks under 7 yards; Ready-mix Plant Hopper Operator, and Winch Trucks, 2 Axles.

Class 3. Five axle trucks; Dump Crets and Adgetors 7 yards and over; Dumpsters, Track Trucks, Euclids, Hug Bottom Dump Turnatrailers or turnapulls when pulling other than self-loading equipment or similar equipment over 16 cubic yards; Explosives and/or Fission Material Trucks; Mixer Trucks 7 yards or over; Mobile Cranes while in transit; Oil Distributors, 1-man operation; Pole Trailer, over 40 feet; Pole and Expandable Trailers hauling material over 50 feet long; Slurry trucks, 1-man operation; Winch trucks, 3 axles or more; Mechanic--Truck Welder and Truck Painter.

Class 4. Six axle trucks; Dual-purpose vehicles, such as mounted crane trucks with hoist and accessories; Foreman; Master Mechanic; Self-loading equipment like P.B. and trucks with scoops on the front.

TERRAZZO FINISHER

The handling of sand, cement, marble chips, and all other materials that may be used by the Mosaic Terrazzo Mechanic, and the mixing, grinding, grouting, cleaning and sealing of all Marble, Mosaic, and Terrazzo work, floors, base, stairs, and wainscoting by hand or machine, and in addition, assisting and aiding Marble, Masonic, and Terrazzo Mechanics.

Other Classifications of Work:

For definitions of classifications not otherwise set out, the Department generally has on file such definitions which are available. If a task to be performed is not subject to one of the classifications of pay set out, the Department will upon being contacted state which neighboring county has such a classification and provide such rate, such rate being deemed to exist by reference in this document. If no neighboring county rate applies to the task, the Department shall undertake a special determination, such special determination being then deemed to have existed under this determination. If a project requires these, or any classification not listed, please contact IDOL at 217-782-1710 for wage rates or clarifications.

LANDSCAPING

Landscaping work falls under the existing classifications for laborer, operating engineer and truck driver. The work performed by landscape plantsman and landscape laborer is covered by the existing classification of laborer. The work performed by landscape operators (regardless of equipment used or its size) is covered by the classifications of operating engineer. The work performed by landscape truck drivers (regardless of size of truck driven) is covered by the classifications of truck driver.

EXHIBIT “C”

NOTICE OF DETERMINATION

NOTICE IS GIVEN by the Board of Trustees of the Village of Wheeling, Cook and Lake Counties, Illinois that by Ordinance adopted the 7th day of June 2010, the Village of Wheeling has made a determination of the Prevailing Rate of Wages as required by Illinois Compiled Statutes 820 ILCS 130/1-12.

Wheeling Village Clerk

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #11.C
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING:

Monday, June 7, 2010

TITLE OF ITEM SUBMITTED:

An Ordinance Amending Ordinance No. 4518,
Which Granted Site Plan – Building Appearance
Approval For a Retail Video Store at 995 S.
Elmhurst Road to Correct a Scrivener's Error
[Docket No. PC 10-6]

SUBMITTED BY:

Mark Janeck 
Director of Community Development

BASIC DESCRIPTION OF ITEM¹:

Ordinance No. 4518, approved 4.19.2010, contains
a Scrivener's Error. Staff has prepared an
ordinance to correct the error.

BUDGET²:

N/A

BIDDING³:

N/A

EXHIBIT(S) ATTACHED:

Staff memo
Ordinance
Ordinance No. 4518

RECOMMENDATION:

To approve

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered



MEMORANDUM

TO: Village President, Board of Trustees, Village Clerk

CC: Jon A. Sfondilis, Village Manager
Village Attorney

FROM: Mark Janeck, Director of Community Development

DATE: June 2, 2010

SUBJECT: Ordinance amending Ordinance No. 4506, approved 3.15.2010

EXECUTIVE SUMMARY

The recent ordinance approving the construction of a retail video store (Family Video) at 995 South Elmhurst Road (Ord. 4518, approved 4.19.2010) contains a scrivener's error. Section A lists the plans and exhibits by which the Family Video Store shall be constructed. The list does not include Sheet S104, Tower Details and Trash Enclosure Details, prepared by DTS Winkelmann. This plan has been added in the attached Ordinance amending Ordinance No. 4518.

Attachments: Ordinance
Ordinance No. 4518, passed 4.19.2010

ORDINANCE NO. _____

**An Ordinance Amending Ordinance 4518 Which Granted
Site Plan – Building Appearance Approval
For a Retail Video Store at 995 South Elmhurst Road
to Correct a Scrivener's Error**

WHEREAS, the Plan Commission of the Village of Wheeling held a public meeting, duly noticed, on April 8, 2010, to consider a request for Site Plan-Building Appearance Approval as required under Chapter 19-06 Commercial Districts, Section 19.06.040 B-3 General Commercial and Office District, Chapter 19-12 Site Plan Approval Requirements; and Chapter 19-11 General Development Standards, to construct a retail video store at 995 South Elmhurst Road, Wheeling, Illinois; and

WHEREAS, the Plan Commission recommended that the petitioner's request be granted, subject to conditions, with a vote of 6 ayes, 0 nays, 0 absent, and 1 vacancy; and

WHEREAS, the President and Board of Trustees reviewed the petition on April 19, 2010, subsequently approving Ordinance No. 4518; and

WHEREAS, Section A of Ordinance No. 4518 lists plans and exhibits included with the ordinance; and

WHEREAS, Sheet S104, Tower Details and Trash Enclosure Details, prepared by DTS Winkelmann, was included with the package of materials provided to the Board of Trustees but inadvertently omitted from the list of plans and exhibits in Section A of the ordinance; and

WHEREAS, the President and Board of Trustees deem it to be in the best interests of the Village of Wheeling to correct this scrivener's error and amend Ordinance 4518;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

Section A of Ordinance No. 4518 is hereby amended to read as follows:

"Site Plan and Building Appearance Approval are hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-12 Site Plan Approval Requirements and Chapter 19-11 General Development Standards, in order to construct a retail video store in accordance with the following plans and exhibits, herein attached and made part of, submitted on March 25, 2010, except as noted, on behalf of Family Video to be located on the property legally described below:

- Sheet SP, Site Plan, prepared by SpaceCo Inc.
- Sheet GRUT, Grading and Utility Plan, prepared by SpaceCo Inc.
- Sheet L-1, Landscape Design, prepared by Intrinsic Landscaping
- Sheet A201, Building Elevations, prepared by DTS Winkelmann, submitted 4.7.2010
- Sheet S104, Tower Details and Trash Enclosure Details, prepared by DTS Winkelmann
- Site Photometric Plan, prepared by Luekart-Eason-Calcaterra & Co.

- Light fixture specifications (Spaulding Lighting, MSV Series), prepared by Luekart-Eason-Calcaterra"

....

Section B

Those sections or parts of Ordinance No. 4518 not expressly amended in this ordinance are hereby re-enacted.

Section C

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee _____ moved, seconded by Trustee _____,

that Ordinance No. _____ be passed.

PASSED this _____ day of _____, 2010.

President Abruscato _____ Trustee Heer _____

Trustee Argiris _____ Trustee Horcher _____

Trustee Brady _____ Trustee Lang _____

Trustee Vogel _____

ORD. NO. _____ APPROVED this _____ day of _____, 2010.

Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson, Village Clerk

APPROVED AS TO FORM ONLY:

Village Attorney

PUBLISHED in pamphlet form this _____ day of _____, 2010, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

ORDINANCE NO. 4518

**An Ordinance Granting Site Plan-Building Appearance Approval
for A Retail Video Store
995 S. Elmhurst Road (vacant property)**

WHEREAS, the Plan Commission of the Village of Wheeling has held a public meeting on April 8, 2010, to consider a request for Site Plan-Building Appearance Approval as required under Chapter 19-06 Commercial Districts, Section 19.06.040 B-3 General Commercial and Office District, Chapter 19-12 Site Plan Approval Requirements; and Chapter 19-11 General Development Standards, to construct a retail video store at 995 South Elmhurst Road, Wheeling, Illinois, hereinafter legally described below; and

WHEREAS, the site plan as shown would require several variations from Title 19, Zoning, of the Wheeling Municipal Code, as described in Docket No. 2008-10;

WHEREAS, the Plan Commission of the Village of Wheeling has reported its Findings of Fact and Recommendation for Docket No. 2008-10, to the President and Board of Trustees, recommending that the petitioner's request be granted, with a vote of 6 ayes, 0 nays, 0 absent, and 1 vacancy; and

WHEREAS, the Plan Commission Findings of Fact and Recommendation for Docket No. 2008-10 also includes a recommendation relating to Docket No. PC 10-6, recommending that the petitioner's request be granted, subject to conditions, with a vote of 6 ayes, 0 nays, 0 absent, and 1 vacancy; and

WHEREAS, the President and Board of Trustees deem it to be in the best interest of the Village to grant the petitioner's request, subject to conditions;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

Site Plan and Building Appearance Approval are hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-12 Site Plan Approval Requirements and Chapter 19-11 General Development Standards, in order to construct a retail video store in accordance with the following plans and exhibits, herein attached and made part of, submitted on March 25, 2010, except as noted, on behalf of Family Video to be located on the property legally described below:

- Sheet SP, Site Plan, prepared by SpaceCo Inc.
- Sheet GRUT, Grading and Utility Plan, prepared by SpaceCo Inc.
- Sheet L-1, Landscape Design, prepared by Intrinsic Landscaping
- Sheet A201, Building Elevations, prepared by DTS Winkelmann, submitted 4.7.2010
- Site Photometric Plan, prepared by Luekart-Eason-Calcaterra & Co.
- Light fixture specifications (Spaulding Lighting, MSV Series), prepared by Luekart-Eason-Calcaterra

LEGAL DESCRIPTION:

LOT ONE IN AMOCO C-3 SUBDIVISION, BEING A SUBDIVISION OF PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST CORNER OF SECTION 10,

TOWNSHIP 42 NORTH RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN
ACCORDING TO THE PLAT THEREOF RECORDED APRIL 20, 1992 AS DOCUMENT
NUMBER 92245278, IN COOK COUNTY, ILLINOIS.

(The above described property is located at 995 South Elmhurst Road, Wheeling,
Illinois, zoned B-3, General Commercial and Office.)

Section B

Site Plan Approval granted in Section A of this ordinance is subject to the following conditions:

1. That a No Further Remediation (NFR) letter shall be provided to the Village prior to issuance of a building permit;
2. That the landscaping shall be irrigated in accordance with the zoning code;
3. That the dogwoods on the west side of the parking lot and burning bush on the south side of the parking lot be kept at a maximum height of roughly three feet (3.0');
4. That the petitioner work with Staff to ensure the plant coverage (catmint / fountain grass) is adequate;
5. That the gas lines / meters be on the north side and the electrical transformer be screened with additional landscaping; and
6. That the petitioner work with staff to add screening for the roof top mechanicals if visible through the tree line.

Section C

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee Lang moved, seconded by Trustee Brady,
that Ordinance No. 4518 be passed.

PASSED this 19th day of April, 2010.

President Abruscato Aye

Trustee Heer Aye

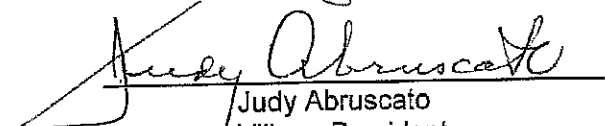
Trustee Argiris Wag

Trustee Horcher Aye

Trustee Brady Aye

Trustee Lang Aye

Trustee Vogel Wag


Judy Abruscato
Village President

Ordinance No. 4518 PASSED this 19th day of April, 2010.

ATTEST:

Elaine E. Simpson
Elaine E. Simpson
Village Clerk



APPROVED AS TO FORM ONLY:

James J. [Signature]
Village Attorney

PUBLISHED in pamphlet form this 20th day of April, 2010, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #11.D
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING:

Monday, June 7, 2010

TITLE OF ITEM SUBMITTED:

**An Ordinance Amending Ordinance No. 4499,
Which Granted Special Use and Associated Site
Plan Approval For a Daycare Center at 149
South Milwaukee Avenue to Correct a
Scrivener's Error
[Previous Docket No. 2010-1B]**

SUBMITTED BY:

Mark Janeck 
Director of Community Development

BASIC DESCRIPTION OF ITEM¹:

Ordinance No. 4499, approved 2.16.2010, contains
a Scrivener's Error. Staff has prepared an
ordinance to correct the error.

**BUDGET²:
BIDDING³:**

N/A
N/A

EXHIBIT(S) ATTACHED:

Staff memo
Ordinance
Ordinance No. 4499

RECOMMENDATION:

To approve

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered



MEMORANDUM

TO: Village President, Board of Trustees, Village Clerk

CC: Jon A. Sfondilis, Village Manager
Village Attorney

FROM: Mark Janeck, Director of Community Development

DATE: June 3, 2010

SUBJECT: Ordinance amending Ordinance No. 4499, approved 2.16.2010

EXECUTIVE SUMMARY

The recent ordinance approving the construction of a daycare (Soundgarden) at 149 South Milwaukee Avenue (Ord. 4499, approved 2.16.2010) contains a scrivener's error. Section D lists conditions of approval, including a condition that the parking lot flow is to remain "south to north." The parking lot currently flows north to south, and it was the intention of the Staff recommendation and subsequent Plan Commission recommendation to maintain the existing configuration. An Ordinance amending Ordinance No. 4499 to correct this error is attached.

Attachments: Ordinance
Ordinance No. 4499, passed 2.16.2010

ORDINANCE NO. _____

**An Ordinance Amending Ordinance 4499 Which Granted Special Use
and Associated Site Plan Approval
For a Daycare Center at 149 South Milwaukee Avenue
to Correct a Scrivener's Error**

WHEREAS, the Plan Commission of the Village of Wheeling held a public hearing, duly noticed, on January 28, 2010, to consider a request for Special Use-Site Plan Approval as required under Chapter 19-06 Commercial Districts, Chapter 19-10 Use Regulations, Chapter 19-12 Site Plan Approval Requirements, and associated sections, to operate a daycare center at 149 South Milwaukee Avenue, Wheeling, Illinois, within Skokie TV Shopping Center; and

WHEREAS, the Plan Commission of the Village of Wheeling reported its Findings of Fact and Recommendation to the President and Board of Trustees, recommending that the petitioner's request be granted, subject to conditions, with a vote of 6 ayes, 1 nay; and

WHEREAS, the President and Board of Trustees reviewed the petition on February 16, 2010, subsequently approving Ordinance No. 4499; and

WHEREAS, Section D of Ordinance No. 4499, Condition 2, states "that the front parking lot flow remain south to north"; and

WHEREAS, the front parking lot currently flows from north to south, and it was the intention of the Staff and the Plan Commission to ensure that the direction of the parking lot remain the same; and

WHEREAS, the President and Board of Trustees deem it to be in the best interests of the Village of Wheeling to correct this scrivener's error and amend Ordinance 4499;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

Section D of Ordinance No. 4499, Condition 2, is hereby amended to read as follows:

2. That the front parking lot flow remain north to south;

Section B

Those sections or parts of Ordinance 4499 not expressly amended in this ordinance are hereby re-enacted.

Section C

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee _____ moved, seconded by Trustee _____,
that Ordinance No. _____ be passed.

PASSED this _____ day of _____, 2010.

President Abruscato _____ Trustee Heer _____

Trustee Argiris _____ Trustee Horcher _____

Trustee Brady _____ Trustee Lang _____

Trustee Vogel _____

ORD. NO. _____ APPROVED this _____ day of _____, 2010.

Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson, Village Clerk

APPROVED AS TO FORM ONLY:

Village Attorney

PUBLISHED in pamphlet form this _____ day of _____, 2010, by order of
the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

ORDINANCE NO. 4499

**An Ordinance Granting Special Use and Associated Site Plan Approval
For a Daycare Center (Soundgarden Child Care Center)
149 South Milwaukee Avenue
(Within Skokie TV Shopping Center)**

WHEREAS, the Plan Commission of the Village of Wheeling has held a public hearing, duly noticed, on January 28, 2010, to consider a request for Special Use-Site Plan Approval as required under Chapter 19-06 Commercial Districts, Chapter 19-10 Use Regulations, Chapter 19-12 Site Plan Approval Requirements, and associated sections, to operate a daycare center at 149 South Milwaukee Avenue, Wheeling, Illinois, within Skokie TV Shopping Center, hereinafter legally described and zoned B-3 General Commercial and Office District; and

WHEREAS, the Plan Commission of the Village of Wheeling has reported its Findings of Fact and Recommendation to the President and Board of Trustees, recommending that the petitioner's request be granted, subject to conditions, with a vote of 6 ayes, 1 nay; and

WHEREAS, the President and Board of Trustees deem it to be in the best interest of the Village to grant the petitioner's request;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

This Board of Trustees, after considering the Findings of Fact and Recommendation of the Plan Commission and other matters properly before it, hereby finds:

- That the special use is necessary for the public convenience at the proposed location;
- That the special use as requested will not alter the essential character of the area in which it is to be located;
- That the location and size of the special use, the nature and intensity of the operation involved in or conducted with it, the size of the site in relation to it, and the location of the site with respect to streets giving access to it, will be in harmony with and will not impede the normal, appropriate, and orderly development of the district in which it is located and the development of the surrounding properties;
- That the location, nature and height of buildings, walls and fences, and the nature and extent of the landscaping on site shall be such that the use will not hinder or discourage the appropriate development and use of adjacent land and buildings, and will not impair the value thereof;
- That the parking areas will be of adequate size for the particular use, properly located, and suitably screened from adjoining residential uses, entrance and exit drives shall be laid out as to prevent traffic hazards and nuisances and the development will not cause traffic congestion; and
- That the property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.

Section B

A special use is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, Section 19.10.030 Special Uses, in order to operate a daycare center with an outdoor play area in a B-3 General Commercial and Office District, in accordance with the following plans and exhibits, herein attached and made part of, for Soundgarden Child Care Center, to be located at 149 South Milwaukee Avenue within Skokie TV Shopping Center, an in accordance with the previously approved site plan for the shopping center located on the property hereinafter legally described below:

Exhibits/Plans:

- Description of Proposal, received 1.8.2010
- Operational/Drop-off Policies, received 1.18.2010
- Property Owner Approval of Dedicated Row of Parking, received 12.24.2010
- Site plan, received 12.24.2010
- Floor plan, received 2.8.2010

Legal Description:

THAT PART OF LOTS 26 TO 34 BOTH INCLUSIVE, DESCRIBED AS FOLLOWS: BEGINNING AT THE INTERSECTION OF THE SOUTHERLY LINE OF LOT 32 AND THE EASTERLY LINE OF MILWAUKEE AVENUE; THENCE NORTHWESTERLY ALONG SAID EASTERLY LINE 160.0 FEET TO THE NORTHERLY LINE OF LOT 28; THENCE NORTHEASTERLY ALONG THE NORTHERLY LINE OF LOTS 27 AND 28, A DISTANCE OF 245.0 FEET; THENCE SOUTHERLY TO A POINT ON THE SOUTHERLY LINE OF LOT 34, SAID POINT BEING 164.88 FEET NORTHEASTERLY FROM THE POINT OF BEGINNING, AS MEASURED ALONG THE SOUTHERLY LINE OF LOTS 32, 33 AND 34; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING, ALL IN COUNTY CLERKS DIVISION OF PART OF SECTIONS, 1, 2 AND 12, TOWNSHIP 42 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, IN COOK COUNTY, ILLINOIS..

(The above described property is known as 141-149 South Milwaukee Avenue, Wheeling, Illinois, and is zoned B-3 General Commercial and Office District. The subject unit is 149 South Milwaukee Avenue. An outdoor play area of 1,634 square feet is proposed along the east property line, at the rear of the site.)

Section C

Site Plan Approval is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-12 Site Plan Approval Requirements, and the outdoor play area shall be installed substantially as shown on the Site Plan, herein attached and made part of, for Soundgarden Child Care Center, prepared by Julia Hamer Architectural Design submitted December 24, 2010, and located on a portion of the property legally described in Section B of this Ordinance.

Section D

Special Use and Site Plan Approval granted in Sections B and C of this ordinance are subject to the following conditions:

1. That six (6) spaces along Milwaukee Avenue shall be identified by two signs, indicating "Loading Only; 7-9AM and 4-6PM".

2. That the front parking lot flow remain south to north;
3. That the parking lot be seal coated and re-stripped;
4. That the existing handicapped stall be reconfigured to a 45-degree parking stall and relocated to the northernmost stall;
5. That the petitioner shall modify the floor plan in accordance with the requirements of the plumbing code and fire code if deficiencies are found during permit review;
6. That proof of licensing by the Department of Children and Family Services (DCFS) shall be provided prior to issuance of a Certificate of Occupancy; and
7. That fence details be submitted to Planning staff before a fence permit is issued.
8. That special events be staggered by age group, located off-site, or the petitioner shall arrange for off-site parking and submit an agreement to the Village; and
9. That additional lighting be installed for the outdoor play area and parking area.

Section E

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee Argiris moved, seconded by Trustee Vogel,
that Ordinance No. 4499 be passed.

PASSED this 16th day of February, 2010.

President Abruscato <u>Aye</u>	Trustee Heer <u>Aye</u>
Trustee Argiris <u>Aye</u>	Trustee Horcher <u>Aye</u>
Trustee Brady <u>Aye</u>	Trustee Lang <u>Aye</u>
	Trustee Vogel <u>Aye</u>

ORD. NO. 4499 APPROVED this 16th day of February, 2010.

Judy Abruscato
Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson
Elaine E. Simpson, Village Clerk



APPROVED AS TO FORM ONLY:

[Signature]
Village Attorney

PUBLISHED in pamphlet form this 17th day of February, 2010, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #13.A.
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING: June 7, 2010

TITLE OF ITEM SUBMITTED: A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AGREEMENT BETWEEN THE VILLAGE AND CONSOLIDATED COMMERCIAL PROPERTIES LLC FOR THE LEASE OF VILLAGE OWNED PROPERTY LOCATED AT 300 S. MILWAUKEE AVENUE, WHEELING, ILLINOIS

SUBMITTED BY: James V. Ferolo, Village Attorney

DESCRIPTION OF ITEM¹: Resolution authorizing the Village President and Clerk to execute an agreement between the Village and Consolidated Commercial Properties, LLC for the lease of Village owned property at 300 S. Milwaukee Avenue to be used as a parking lot for the tenants and patrons of the property at 224 S. Milwaukee Avenue during business hours on Monday through Friday and by the general public all other times. The lease is for a term of four years. The Lessee is responsible for the costs of construction of the parking lot and for all maintenance during the term of the Lease. The lease is further contingent upon zoning approvals by the Village for use of the lease premises as a parking lot.

EXHIBIT(S) ATTACHED: Lease Contract, Attachments to Lease

RECOMMENDATION: Approval

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

RESOLUTION NO. 10-_____

A RESOLUTION AUTHORIZING THE VILLAGE PRESIDENT AND VILLAGE CLERK TO EXECUTE AN AGREEMENT BETWEEN THE VILLAGE AND CONSOLIDATED COMMERCIAL PROPERTIES LLC FOR THE LEASE OF VILLAGE OWNED PROPERTY LOCATED AT 300 S. MILWAUKEE AVENUE, WHEELING, ILLINOIS

WHEREAS, the Village of Wheeling, Cook and Lake Counties, Illinois is a home rule unit of local government pursuant to Article 7, Section 6 of the Constitution of the State of Illinois; and

WHEREAS, pursuant to Article 7, Section 6 of the Illinois Constitution, the Village of Wheeling, Cook and Lake Counties, Illinois is a home rule municipality that is empowered to lease municipally owned property that it deems unnecessary for governmental use; and

WHEREAS, the Village currently owns property located 300 S. Milwaukee Avenue, Wheeling, Illinois (the "Property"); and

WHEREAS, Consolidated Commercial Properties, LLC has expressed a desire to lease the Property for the purpose of constructing a parking lot to be used for the tenants and patrons of the property located at 224 S. Milwaukee Avenue during business hours and to be used by the general public after business hours; and

WHEREAS, the Village President and the Board of Trustees have determined that the Village's use of the Property is not necessary for governmental use by the Village at this time; and

WHEREAS, the Village President and the Board of Trustees have determined that the Village's lease of the Property is necessary and in the best interests of the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COOK AND LAKE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Each Whereas paragraph above is incorporated by reference into this Section 1 and made a part hereof as material and operative provisions of this Resolution.

SECTION 2: The Board of Trustees of the Village of Wheeling approves, authorizes and directs the President and Clerk of the Village of Wheeling to execute a lease agreement between the Village of Wheeling and Consolidated Commercial Properties LLC for the lease of Village owned Property located 300 S. Milwaukee Avenue, Wheeling, Illinois, in substantial conformity with the lease attached hereto as EXHIBIT A and upon final approval by the Village Manager.

SECTION 3: That this Resolution shall take effect from and after its adoption and approval.

Trustee _____ moved, seconded by Trustee _____ that Resolution
No. 10-____ be adopted.

President Abruscato _____

Trustee D. Argiris _____

Trustee K. Brady _____

Trustee R. Heer _____

Trustee P. Horcher _____

Trustee R. Lang _____

Trustee D. Vogel _____

ADOPTED this _____ day of _____, 2010, by the Village President and
Board of Trustees of the Village of Wheeling, Illinois.

Village President

ATTEST:

Village Clerk

VILLAGE OF WHEELING LEGISLATIVE COVER MEMORANDUM

AGENDA ITEM NO(S): #13.B
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING: June 7, 2010

TITLE OF ITEM SUBMITTED: Resolution Authorizing Change Order No. 2 and Final to the Construction Contract with Glenbrook Excavating & Concrete, Inc. for the Wolf Road Sanitary Sewer and Water Main Replacement Project

SUBMITTED BY: Anthony J. Stavros, Director of Public Works

AJS

BASIC DESCRIPTION OF ITEM¹: Change Order Number 2 and Final incorporates minor reductions and additions to the contract quantities due to unanticipated field conditions.

BUDGET²: The Contract Bid Amount of \$1,281,851.15 was approved by the Board for this project and included in the FY 2009 budget. The final contract amount is \$1,070,104.71 (Awarded Contract Amount - Change Order No. 1 - Change Order No. 2 = \$1,281,851.15 - \$211,114.00 - \$632.44).

BIDDING³: Bid on November 24, 2008 and Awarded on December 15, 2008.

EXHIBIT(S) ATTACHED: Memo, Resolution, Change Order and Exhibit A

RECOMMENDATION: Approval

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER

[Signature]

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered

RESOLUTION NO. 10-_____

**RESOLUTION AUTHORIZING CHANGE ORDER NO. 2 & FINAL
TO THE CONSTRUCTION CONTRACT WITH
GLENBROOK EXCAVATING & CONCRETE, INC. FOR THE
WOLF ROAD SANITARY SEWER AND WATER MAIN REPLACEMENT PROJECT**

WHEREAS, Resolution No. 08-197 awarded a contract to Glenbrook Excavating & Concrete, Inc. in the amount of \$1,281,851.15 for the Wolf Road Sanitary Sewer and Water Main Replacement Project; and

WHEREAS, Resolution No. 09-84 approved Change Order No. 1 to decrease the contract amount by \$211,114.00 to incorporate reduction in the scope of the project; and

WHEREAS, due to unanticipated field conditions, some item's quantities provided on this project were less and other item's quantities provided were more than the approved contract for these improvements; and

WHEREAS, all of these changes were necessary to complete the improvements of the Wolf Road Sanitary Sewer and Water Main Replacement Project; and

WHEREAS, Change Order No. 2 and Final authorizing a \$632.44 decrease in the contract amount is deemed to be in the best interest of the Village; and

WHEREAS, the final contract amount for this project including all change orders to date is \$1,070,104.71 (Awarded Contract Amount – Change Order No.1 – Change Order No. 2 = \$1,281,851.15 - \$211,114.00 - \$632.44);

NOW, THEREFORE, BE IT RESOLVED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS, that Change Order No. 2 and Final to the contract with Glenbrook Excavating & Concrete, Inc. for the Wolf Road Sanitary Sewer and Water Main Replacement Project as attached hereto is hereby approved.

BE IT FURTHER RESOLVED that the Village President is hereby authorized and directed to execute Change Order No. 2 and Final to the contract with Glenbrook Excavating & Concrete, Inc. for the Wolf Road Sanitary Sewer and Water Main Replacement Project.

Trustee _____ moved, seconded by Trustee _____
that Resolution No. 10-_____ be adopted.

Trustee Argiris _____ Trustee Horcher _____

Trustee Brady _____ Trustee Lang _____

Trustee Heer _____ Trustee Vogel _____

President Abruscato _____

Adopted this _____ day of June, 2010 by the President and Board of Trustees of the Village of Wheeling, Illinois.

ATTEST:

Judy Abruscato
Village President

Elaine E. Simpson
Village Clerk

Change Order No. 2 & Final

Date of Issuance: June 7, 2010

Effective Date: June 7, 2010

Project: Wolf Road Sanitary Sewer and Water Main Replacement

Owner: Village of Wheeling

Owner's Contract No.: 2005-023

Contract: Wolf Road Sanitary Sewer and Water Main Replacement

Date of Contract: December 15, 2008

Contractor: Glenbrook Excavating & Concrete, Inc.

Engineer's Project No.: 06.4200.01

The Contract Documents are modified as follows upon execution of this Change Order:

Description:

This Change is necessary to adjust the final quantities of items in the contract and to add some items due to unanticipated field conditions. See the attached Exhibit "A" table for the affected final quantities and amounts of this change order.

CHANGE IN CONTRACT PRICE:

Original Contract Price:

\$ 1,281,851.15

[Increase] [Decrease] from previously approved Change Orders

\$ 211,114.00

Contract Price prior to this Change Order:

\$ 1,070,737.15

[Increase] [Decrease] of this Change Order:

\$ 632.44

Contract Price incorporating this Change Order:

\$ 1,070,104.71

CHANGE IN CONTRACT TIMES:

Original Contract Times: ☐ Working days ☐ Calendar days

Substantial completion (days or date):

Ready for final payment (days or date):

[Increase] [Decrease] from previously approved Change Orders
No. 1 to No.:

Substantial completion (days):

Ready for final payment (days):

Contract Times prior to this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

[Increase] [Decrease] of this Change Order:

Substantial completion (days or date):

Ready for final payment (days or date):

Contract Times with all approved Change Orders:

Substantial completion (days or date):

Ready for final payment (days or date):

RECOMMENDED:

By: Capital Projects & Design Manager
(Authorized Signature)

Date:

ACCEPTED:

By: Village President
(Authorized Signature)

Date:

ACCEPTED:

By: Glenbrook Excavating & Concrete, Inc.
(Authorized Signature)

Date:

Approved by Funding Agency (if applicable):

Date:

EXHIBIT "A"

DEDUCTIONS					
No.	Items	Unit	Quantity	Unit Price	Values
2	SANITARY SEWER (OPEN CUT)				
	24-inch, 12'-16' Deep	LF	-165.0	\$160.00	-\$26,400.00
	18-inch, 12'-16' Deep	LF	-47.0	\$118.00	-\$5,546.00
4	CONNECTION TO EXISTING SANITARY SEWER MANHOLE				
	16-inch	EA	-1.0	\$1,600.00	-\$1,600.00
5	SERVICE CONNECTION TO SEWER MAIN	EA	-1.0	\$1,000.00	-\$1,000.00
7	TELEVISIONING OF EXISTING SANITARY SEWERS TO LOCATE SERVICE CONNECTIONS				
		LF	-7.0	\$2.50	-\$17.50
8	MANHOLE DROP CONNECTION				
	6" Pipe	Vert. Ft.	-7.25	\$600.00	-\$4,350.00
9	TELEVISIONING OF NEW SEWER FOR FINAL INSPECTION				
		LF	-1381.00	\$1.50	-\$2,071.50
10	BACKFILLING WITH SPECIAL GRANULAR BACKFILL MATERIALS				
	24" Diameter Pipe, 12' - 16'	LF	-154.0	\$102.00	-\$15,708.00
	18" Diameter Pipe, 12' - 16'	LF	-47.0	\$126.00	-\$5,922.00
11	BACKFILL SUPPORT FOR EXISTING PIPELINES	EA	-6.0	\$125.00	-\$750.00
12	RELOCATION OF WATERMAIN	EA	-4.0	\$2,000.00	-\$8,000.00
14	CULVERT REPLACEMENT				
	12" RCCP	LF	-105.0	\$72.00	-\$7,560.00
	15" RCCP	LF	-25.0	\$82.00	-\$2,050.00
15	REPLACEMENT OF EXISTING STORM SEWER				
	Catch Basin, 4' Dia. Typ. A	EA	-2.0	\$1,600.00	-\$3,200.00
	Inlet, 2' Dia. Typ. A	EA	-1.0	\$1,200.00	-\$1,200.00
	Manhole, 4' Dia. Typ. 1	EA	-2.0	\$1,600.00	-\$3,200.00
	RCP				
	12" RCP	LF	-48.0	\$82.00	-\$3,936.00
	24" RCP	LF	-10.0	\$94.00	-\$940.00
	30" RCP	LF	-10.0	\$100.00	-\$1,000.00
16	WATER MAIN (OPEN CUT)				
	6-inch	LF	-11.0	\$60.00	-\$660.00
	8-inch-RJT	LF	-66.0	\$65.00	-\$4,290.00
	12-inch	LF	-21.0	\$90.00	-\$1,890.00
17	WATER SERVICE PIPE				
	1 1/2" HDD	LF	-293.0	\$40.00	-\$11,720.00
18	CONNECTIONS TO EXISTING WATER MAIN (NON-PRESSURE)				
	6-inch	EA	-1.0	\$1,500.00	-\$1,500.00
	8-inch	EA	-1.0	\$1,600.00	-\$1,600.00
	12-inch	EA	-3.0	\$1,000.00	-\$3,000.00
19	WATER MAIN FITTINGS-RESTRAINED JOINT TYPE				
	6" 90° Bend	EA	-2.0	\$200.00	-\$400.00
	8" 90° Bend	EA	-2.0	\$250.00	-\$500.00
	8" 22.5° Bend	EA	-1.0	\$250.00	-\$250.00
	12" 90° Bend	EA	-1.0	\$500.00	-\$500.00
	12" x 8" Tee	EA	-1.0	\$600.00	-\$600.00
	12" x 6" Tee	EA	-1.0	\$550.00	-\$550.00
20	GATE VALVE				
	12-inch	EA	-1.0	\$2,400.00	-\$2,400.00
21	VALVE VAULT				
	5' Diameter	EA	-3.0	\$2,000.00	-\$6,000.00
23	WATER SERVICE CONNECTION				
	3" Gate Valve and Valve Box	EA	-1.0	\$600.00	-\$600.00
25	ABANDONMENT OF EXISTING WATER MAINS AND APPURTENANCES				
	8-inch	LF	-22.0	\$1.00	-\$22.00
	Valve Vault	EA	-4.0	\$150.00	-\$600.00
26	SPECIAL EXPLORATION TRENCH	LF	-50.0	\$10.00	-\$500.00
27	BACKFILLING WITH SPECIAL GRANULAR BACKFILL MATERIAL (WATER MAIN)				
	6-inch	LF	-31.0	\$25.00	-\$775.00
	12-inch	LF	-16.0	\$25.00	-\$400.00
28	EROSION CONTROL				
	Inlet Protection Filter	EA	-7.0	\$125.00	-\$875.00
	Inlet and Pipe Protection	EA	-6.0	\$200.00	-\$1,200.00
	Silt Fence	LF	-150.0	\$5.00	-\$750.00
30	TEMPORARY BITUMINOUS SURFACE	SY	-427.0	\$15.00	-\$6,405.00
31	REMOVAL OF PCC CURB AND GUTTER				
	B-6.12	LF	-295.0	\$8.00	-\$2,360.00
	B-6.24	LF	-53.0	\$8.00	-\$424.00
32	PCC CURB AND GUTTER				
	B-6.12	LF	-295.0	\$20.00	-\$5,900.00
	B-6.24	LF	-53.0	\$25.00	-\$1,325.00
33	PCC SIDEWALK REMOVAL AND REPLACEMENT	SF	-3815.0	\$5.00	-\$19,075.00
34	PAINT PAVEMENT MARKING				

EXHIBIT "A"

	Line 4 "	LF	-485.0	\$1.50	-\$697.50
	Line 6 "	LF	-256.0	\$2.50	-\$640.00
	Line 12 "	LF	-24.0	\$5.00	-\$120.00
	Line 24 "	LF	-41.0	\$10.00	-\$410.00
	Letters and Symbols	SF	-20.0	\$10.00	-\$200.00
35	PAVEMENT RESTORATION				
	PCC Driveway	SF	-681.0	\$5.75	-\$3,915.75
37	SUPPLEMENTAL WATERING	UNIT	-13.0	\$0.05	-\$0.65
38	TREE REMOVAL				
	6 to 15-Inch Diameter	INCHES	-8.4	\$35.00	-\$294.00
39	TREE REPLACEMENT				
	3"-7"	EA	-4.0	\$1,000.00	-\$4,000.00
40	TRAFFIC CONTROL AND PROTECTION	LS	-0.2	\$33,000.00	-\$6,600.00
42	CASH ALLOWANCE	LS	-1.0	\$50,000.00	-\$50,000.00
43	BUILDING SERVICE LINES	LF	-364.0	\$40.00	-\$14,560.00
44	DEWATERING	LS	-0.2	\$1,000.00	-\$200.00
	Open Cut Trench Backfill Credit	Lin Ft	-341.0	\$8.00	-\$2,728.00
	Damaged bush (barberry) replacement at 353 Wolf Rd	EA	-1.0	\$44.00	-\$44.00
TOTAL DEDUCTIONS =					-\$255,931.90
ADDITIONS					
No.	Items	Unit	Quantity	Unit Price	Values
2	SANITARY SEWER (OPEN CUT)				
	21-inch, 12'-16' Deep	LF	179.0	\$130.00	\$23,270.00
	18-inch, 8'-12' Deep	LF	51.0	\$84.00	\$4,284.00
3	SANITARY SEWER (OPEN CUT) - WATER MAIN CLASS PIPE				
	24-inch, 12'-16' Deep	LF	11.0	\$170.00	\$1,870.00
4	CONNECTION TO EXISTING SANITARY SEWER MANHOLE				
	18-inch	EA	1.0	\$2,000.00	\$2,000.00
6	SANITARY SEWER MANHOLE				
	5-FOOT DIA., 12'-16' DEEP	EA	2.0	\$4,500.00	\$9,000.00
10	BACKFILLING WITH SPECIAL GRANULAR BACKFILL MATERIALS				
	21" Diameter Pipe, 12' - 16'	LF	179.0	\$92.00	\$16,468.00
	18" Diameter Pipe, 8' - 12'	LF	51.0	\$40.00	\$2,040.00
13	CULVERT REMOVAL	LF	150.0	\$10.00	\$1,500.00
15	REPLACEMENT OF EXISTING STORM SEWER				
	RCP				
	21" RCP	LF	9.0	\$93.00	\$837.00
16	WATER MAIN (OPEN CUT)				
	8-inch-STD	LF	95.0	\$62.00	\$5,890.00
17	WATER SERVICE PIPE				
	1 1/2" Open Cut - Under Parkway	LF	295.0	\$110.00	\$32,450.00
19	WATER MAIN FITTINGS-RESTRAINED JOINT TYPE				
	8" 45° Bend	EA	4.0	\$250.00	\$1,000.00
	8" 11.25° Bend	EA	1.0	\$250.00	\$250.00
20	GATE VALVE				
	8-inch	EA	1.0	\$1,400.00	\$1,400.00
23	WATER SERVICE CONNECTION	EA	1.0	\$600.00	\$600.00
24	PLUGGING OF EXISTING WATER MAINS				
	6-inch	EA	4.0	\$600.00	\$2,400.00
25	ABANDONMENT OF EXISTING WATER MAINS AND APPURTENANCES				
	6-inch	LF	30.0	\$1.00	\$30.00
27	BACKFILLING WITH SPECIAL GRANULAR BACKFILL MATERIAL (WATER MAIN)				
	8-inch	LF	22.0	\$25.00	\$550.00
31	REMOVAL OF PCC CURB AND GUTTER				
	Barrier Curb (Type B)	LF	46.0	\$8.00	\$368.00
32	PCC CURB AND GUTTER				
	Barrier Curb (Type B)	LF	46.0	\$22.00	\$1,012.00
35	PAVEMENT RESTORATION				
	Bit. Pavement	SY	499.0	\$62.00	\$30,938.00
	Bit. Driveway	SY	963.0	\$49.00	\$47,187.00
36	RESTORATION OF LAWNS AND PARKWAYS				
	Seed	SY	485.0	\$9.00	\$4,365.00
	Sod	SY	1012.0	\$14.00	\$14,168.00
38	TREE REMOVAL				
	Over 15-Inch Diameter	INCHES	75.2	\$45.00	\$3,384.00
45	EXPLORATORY EXCAVATION FOR UNKNOWN UTILITIES	Lin Ft.	179.0	\$50.00	\$8,950.00

EXHIBIT "A"

8" Cutting-In-Sleeve	EA	5.0	\$1,300.00	\$6,500.00	
Valve Box	EA	3.0	\$800.00	\$2,400.00	
Removing Casing Pipe	LS	1.0	\$2,481.07	\$2,481.07	
12" Plugging Existing Water Main	EA	2.0	\$800.00	\$1,600.00	
8" x 8" Tee	EA	1.0	\$500.00	\$500.00	
6" 45° Bend	EA	2.0	\$200.00	\$400.00	
Abandoning Valve Box	EA	1.0	\$125.00	\$125.00	
4' Storm Manhole Recon	EA	1.0	\$600.00	\$600.00	
12" PVC Storm Sewer	Lin Ft.	7.0	\$78.00	\$546.00	
15" PVC Storm Sewer	Lin Ft.	180.0	\$80.00	\$14,400.00	
15" x 12" Tee	EA	1.0	\$600.00	\$600.00	
Water Main Work performed on 06/30	LS	1.0	\$5,855.39	\$5,855.39	
Frame & Grate	EA	13.0	\$237.00	\$3,081.00	
TOTAL ADDITIONS =				\$255,299.46	

TOTAL DEDUCTIONS	- \$255,931.90
TOTAL ADDITIONS	\$255,299.46
TOTAL CHANGE ORDER NO. 2	- \$632.44

VILLAGE OF WHEELING

LEGISLATIVE COVER MEMORANDUM

AGENDA ITEM NO(S): #13.C.
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING: June 7, 2010

TITLE OF ITEM SUBMITTED: Ordinance Authorizing the Sale of Personal Property Owned by the Village of Wheeling

SUBMITTED BY: Mark Janeck, Community Development Director

1. **DESCRIPTION OF ITEM¹:** Ordinance permitting the sale of miscellaneous used furniture previously used by personnel in Administration and Police departments while located at 255 West Dundee Road. The village currently stores used furniture for future use in various locations and the subject furniture has been determined as unnecessary for future use. The attached Ordinance accepts a proposal from MABAS to purchase the furniture for \$7,500.00.

BUDGET²: Set Fee; see attachments

BIDDING³: N/A

EXHIBIT(S) ATTACHED: Ordinance

RECOMMENDATION: Approval

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered

ORDINANCE _____

**AN ORDINANCE AUTHORIZING THE SALE
OF PERSONAL PROPERTY OWNED BY THE VILLAGE OF WHEELING**

WHEREAS, in the opinion of at least three-fourths of the President and Board of Trustees of the Village of Wheeling, it is no longer necessary or useful to or in the best interests of the village to retain ownership of the personal property hereinafter described; and

WHEREAS, it has been determined by the President and Board of Trustees of the Village of Wheeling that said property should be sold using whatever means likely to yield the best price(s) for the item(s); and

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

SECTION ONE: Pursuant to Section 5/11-76-4 of the Illinois Municipal Code, Illinois Compiled Statutes, Ch. 65, the Board finds that the following described personal property:

Miscellaneous office furniture including desks, chairs, and file cabinets.

now owned by said Village, is no longer necessary or useful to the Village, and the best interests of the Village would be best served by its sale.

SECTION TWO: Pursuant to said Section 5/11-76-4, the Village Manager or his designee is hereby authorized and directed to seek a buyer for the property or dispose of it in any way he finds appropriate.

SECTION THREE: Upon payment of the sale price of Seven Thousand Five Hundred Dollars (\$7,500.00), the Village Manager is hereby authorized and directed to convey and transfer title to the aforesaid property to the successful bidder.

SECTION FOUR: This ordinance shall be in full force and effect from and after its passage, by a vote of at least three-fourths of the President and Board of Trustees, and approval in the manner provided by law.

Trustee _____ moved, seconded by Trustee _____,
that Ordinance No. _____ be passed.

President Abruscato _____
Trustee Argiris _____
Trustee Brady _____
Trustee Lang _____

Trustee Heer _____
Trustee P. Horcher _____
Trustee D. Vogel _____

APPROVED this ____ day of _____, 2010.

Village President

ATTEST:

Elaine E. Simpson, Village Clerk

APPROVED AS TO FORM ONLY:

Village Attorney

Published in pamphlet form this _____ day of _____, 2010, by order of
the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

Wheeling Village Clerk

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #13.D
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING: Monday, June 7, 2010

TITLE OF ITEM SUBMITTED: An Ordinance Granting Variations from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.06 Commercial and Industrial Districts, Section 21.06.500 Permitted Signs, Subsection d, Development Signs, and Section 21.06.800 Prohibited Signs to permit two off-site freestanding residential development signs on the vacant property located on the south side of Lake Cook Road at the start of the Milwaukee Avenue exit ramp.
[Docket No. 2010-13]

SUBMITTED BY: Mark Janeck
Director of Community Development

BASIC DESCRIPTION OF ITEM¹: The petitioner is requesting variations to allow two off-site development signs to be placed on a vacant property adjacent to the Prairie Park Condominiums. The sign location is at the southwest corner of Lake Cook Road and Milwaukee Avenue, near the beginning of the exit ramp.

BUDGET²: N/A
BIDDING³: N/A

EXHIBIT(S) ATTACHED: Staff Report
Findings of Fact and Recommendation
Ordinance
Sign Drawing (photo with dimensions), submitted 4.14.2010
Sign location plan, dated 5.27.2010
Landscape plan, submitted 4.14.2010

RECOMMENDATION: To approve

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered

ORDINANCE NO. _____

**An Ordinance Granting Variations from Title 21, Signs,
of the Wheeling Municipal Code,
to Permit Two (2) Off-Site Development Signs
for the Prairie Park Planned Condominiums**

WHEREAS, the Plan Commission of the Village of Wheeling has held a public hearing, duly noticed, on May 13, 2010, to consider a request for variations from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.06 Commercial and Industrial Districts, Section 21.06.500 Permitted Signs, Subsection d, Development Signs, and Section 21.06.800 Prohibited Signs, to permit two off-site development signs on the vacant property located on the south side of Lake Cook Road at the start of the Milwaukee Avenue exit ramp, Wheeling, Illinois, hereinafter legally described below:

WHEREAS, the Plan Commission has submitted its Findings of Fact and Recommendation to the President and Board of Trustees, recommending approval of the sign variation, subject to a condition, with a vote of 6 ayes, 0 nays, and 1 absent, with 1 vacancy; and

WHEREAS, the President and Board of Trustees deem it to be in the best interests of the Village to grant petitioner's request, subject to conditions;

NOW, THEREFORE, BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

This Board of Trustees, after considering the Findings of Fact and Recommendation of the Plan Commission and other matters properly before it, hereby finds:

- The particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or particular hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- The hardship is due to unique circumstances that do not generally apply to the other properties or uses.
- The property in question cannot yield a reasonable return if permitted to be used only under the conditions allowed by the regulations in that zone.
- The alleged difficulty or hardship has not been created by any person presently having an interest in the property.
- The granting of the variation will not alter the essential character of the locality.

- The proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood.

Section B

A variation is hereby granted from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.06 Commercial and Industrial Districts, Section 21.06.800 Prohibited Signs, Subsection (I), to permit two off-site development signs as shown on the Sign Design Drawing and Sign Location Plan, dated May 27, 2010, for the Prairie Park Condominiums, located on the property legally described below:

PARCEL 2:

LOT 2 IN WIELAND SUBDIVISION, BEING A SUBDIVISION OF PART OF SECTIONS 2 AND 3, TOWNSHIP 42 NORTH, RANGE 11 EAST OF THE THIRD PRINCIPAL MERIDIAN, RECORDED OCTOBER 3, 1997 AS DOCUMENT 97734683, IN COOK COUNTY, ILLINOIS, WITH THE EXCEPTION OF THE AREA DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT 2; THENCE NORTH 08 DEGREES 38 MINUTES 45 SECONDS EAST 431.16 FEET ALONG THE WEST LINE OF SAID LOT 2; THENCE NORTH 18 DEGREES 42 MINUTES 06 SECONDS EAST 548.70 FEET ALONG SAID WEST LINE TO THE NORTHWEST CORNER OF SAID LOT 2; THENCE EASTERLY ALONG THE NORTH LINE OF SAID LOT 2, BEING ALSO A CURVING LINE CONCAVE TO THE NORTH, HAVING A RADIUS OF 22,988.28, A CHORD LENGTH OF 584.01 WHICH BEARS NORTH 88 DEGREES 26 MINUTES 26 SECONDS EAST, AND AN ARC LENGTH OF 584.03 FEET; THENCE NORTH 02 DEGREES 17 MINUTES 14 SECONDS WEST 5.00 FEET ALONG SAID NORTH LINE; THENCE NORTH 87 DEGREES 37 MINUTES 42 SECONDS EAST 539.39 FEET ALONG SAID NORTH LINE; THENCE SOUTH 88 DEGREES 58 MINUTES 58 SECONDS EAST 514.55 FEET ALONG SAID NORTH LINE; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 412.11 FEET; THENCE NORTH 90 DEGREES 00 MINUTES 00 SECONDS WEST 413.08 FEET; THENCE SOUTH 00 DEGREES 00 MINUTES 00 SECONDS EAST 425.92 FEET TO THE SOUTH LINE OF SAID LOT 2; THENCE SOUTH 87 DEGREES 11 MINUTES 16 SECONDS WEST 1129.13 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 02 DEGREES 48 MINUTES 44 SECONDS EAST 70.00 FEET ALONG SAID SOUTH LINE; THENCE SOUTH 87 DEGREES 11 MINUTES 16 SECONDS WEST 340.74 FEET ALONG SAID SOUTH LINE TO THE POINT OF BEGINNING.

(The above described property is currently vacant and is located on the south side of Lake Cook Road at the start of the Milwaukee Avenue exit ramp, Wheeling, Illinois, zoned MXC Commercial-Residential Mixed Use District.)

Section C

The following variations are hereby granted from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.06 Commercial and Industrial Districts, Section 21.06.500 Permitted Signs, Subsection d, Development Signs, Subsection 4, Number and Size, in accordance with the Sign Design and Location Drawing (for dimensions and appearance only), submitted April 14, 2010, for the Prairie Park Development, to be located on the property legally described in Section B of this Ordinance:

1. The westernmost sign (white with red text) shall be permitted to be two hundred seventy (270) square feet in total area, exceeding the maximum permitted sign area of two hundred (200) square feet; and
2. A total of two signs shall be permitted, exceeding the maximum of one sign per frontage.

Section D

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee _____ moved, seconded by Trustee _____,

that Ordinance No. _____ be passed.

PASSED this _____ day of _____, 2010.

President Abruscato _____ Trustee Heer _____

Trustee Argiris _____ Trustee Horcher _____

Trustee Brady _____ Trustee Lang _____

Trustee Vogel _____

Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson, Village Clerk

APPROVED AS TO FORM ONLY:

Village Attorney

PUBLISHED in pamphlet form this _____ day of _____, 2010, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

REQUEST FOR BOARD ACTION

TO: Jon Sfondilis
Village Manager

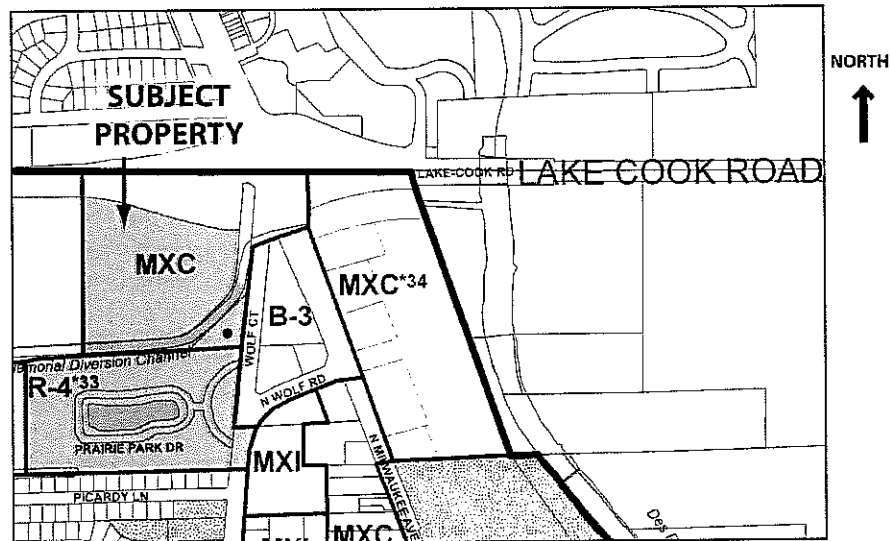
FROM: Mark Janeck
Director of Community Development

DATE: June 2, 2010

SUBJECT: Docket No. 2010-13
Prairie Park Condominiums
Southwest Corner of Lake Cook Rd. and Milwaukee Avenue (near exit
ramp)
Variations relating to Off-site Development Signs

PROJECT OVERVIEW: The petitioner is requesting variations to allow two off-site development signs to be placed on a vacant property adjacent to the Prairie Park Condominiums. The sign location is at the southwest corner of Lake Cook Road and Milwaukee Avenue, near the beginning of the exit ramp.

LOCATION MAP:



Request for Board Action

Page 2 of 5

RE: Plan Commission Docket No. 2010-13

PLAN COMMISSION RECOMMENDATION

At the Plan Commission hearing on Thursday, May 13, 2010, Commissioner Steilen moved, seconded by Commissioner Didier to recommend approval of Docket No. 2010-13 granting the following variations from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.06, Commercial and Industrial Districts:

1. Section 21.06.100, Design Standards, allowing two development signs to be located on a property other than the premises which they are identifying;
2. Section 21.06.500 Permitted Signs, Subsection B, Freestanding Signs, Subsection 2, Sign Dimensions, Subsection B, allowing a sign with a total height of 21.5', exceeding the maximum permitted height of 20.0'
3. Section 21.06.500 Permitted Signs, Subsection D, Development Signs, Subsection 4, Number and Size:
 - a. Allowing a development sign with a total sign area of two hundred seventy square feet (270 sq ft), which exceeds the maximum permitted sign area of two hundred square feet (200 sq ft).

In accordance with the following exhibits prepared by JELMS, LLC, and received on April 14, 2010:

- Sign location plan
- Sign drawing (photo with dimensions)
- Landscape plan

With the following condition:

1. That the blue sign is to be relocated approximately 650' to the east, near the east end of the petitioner's property along the Milwaukee Avenue exit ramp.

On the roll call, the vote was as follows:

AYES: Commissioners Didier, Dorband, Johnson, Maloney, Ruffatto, Steilen
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

GENERAL PROPERTY INFORMATION

<u>Applicant Name:</u>	JELMS, LLC
<u>Property Owner Name:</u>	JELMS, LLC
<u>Common Property Address:</u>	Vacant land
<u>Common Location:</u>	Located on the south side of Lake Cook Road at the start of the Milwaukee Ave exit ramp
<u>Existing Property Zoning:</u>	MXC, Commercial/Residential Mixed-Use

PROJECT BACKGROUND

The petitioner recently completed modifications to the off-site development signs for the Prairie Park Condominiums. During a review of the modifications, Staff was unable to locate sufficient formal approvals for the signs to consider the appearance modifications without also formally approving the sign location. The blue sign (see exhibits) was formally approved in 2003 (Docket No. 2003-29 and SCBA 03-26) to be located on the site that is now the Westin Hotel development. According to the petitioner, the sign was relocated with the permission of the Village to the subject site in 2005 when construction of the Westin Hotel commenced. The white sign was constructed in 2006 and relocated to the subject site when the Village informed the petitioner that the sign could not be located on the building.

Recently, the petitioner made modifications to the sign area, building a berm approximately eight feet (8.0') in height and adding landscaping. Staff informed the petitioner that in order to maintain the signs in their current configuration, formal approvals must be granted. In order to approve the signage area as it currently exists, the petitioner is requesting appearance approval and approval of the following variations:

1. Sign location. According to the sign code, all signs must be located on the same premises as the business/development that is being identified or advertised. The subject signs are on a property that is adjacent to the condominium development.
2. Overall height. The height of the blue sign from grade is approximately 21.5' (includes berm area). The maximum height of a freestanding sign is 20.0'. **This variation is eliminated by the relocation of the blue sign as noted in the Plan Commission recommendation.**
3. Multiple development signs on the same frontage. The sign code only permits one development sign per frontage per property.
4. Overall sign area. The white sign is approximately 270 sq ft in total area (9.0' x 30.0').

SIGNAGE PLAN REVIEW

Proposed Signage Location: The sign area is located roughly twenty feet south of the property line on the south side of Lake Cook Road at beginning of the Milwaukee Avenue exit ramp. The sign area consists of two signs: a development sign that was previously located on the Westin property and a sign displaying the contact number for the development. The petitioner has constructed a landscaped berm approximately eight feet (8.0') above the previous grade of the field.

The signs are located on top of the berm. The sign code allows only one development sign per frontage. Locating two signs on the same frontage will require a variation from the sign code.

Note: The Plan Commission recommendation included a condition that the blue sign is to be relocated approximately 650' to the east along the exit ramp. Staff has visited the site and it appears that the sign can be located on the subject property as discussed.

Proposed Signage Size: The blue development sign was previously approved at approximately 128 sq ft in total area. The sign code now allows a sign area of up to 200 sq ft. The white sign with red letters is approximately 30.0' by 9.' (270 sq ft). The sign area of the white sign (270 sq ft) exceeds the maximum sign area for a development sign.

Proposed Signage Type/Materials: The signs consist of wood panels with vinyl coatings and lettering applied.

Landscaping: Development signs require landscaping unless granted a waiver by the Plan Commission. Given the relatively permanent nature of the proposed sign, the petitioner has designed a landscaping area including decorative grasses, pine trees, day lilies, and decorative boulders. The landscaping area is approximately 700 sq ft, and meets the size requirements established in the sign code.

STANDARDS FOR VARIATION (TITLE 21 SIGNS)

Following are standards for variation with petitioner's responses. The petitioner's responses are in italics. **Village Planner comments are in bold.**

1. State how the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a practical difficulty or particular hardship upon or for the owner, lessee or occupant, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

"There is no visibility for the approved residential subdivision. A sign off Lake Cook Road will let the public know where the development is located, helping our marketing."

The petitioner is requesting a variation for a freestanding development sign that will be located off site. There is a precedent for the construction of such signs within the Village (the subject development, Millbrook Pointe, and Willow Place have all previously been approved for off-site signs). Variations for overall size also previously been approved. The variation allowing two signs on the same frontage is rarely requested, and the signs which were granted a similar variation in the past have tended to be shopping centers (a different code section than the subject request). The recommendation made by the Plan Commission would separate the signs by roughly 650'.

2. Indicate how the hardship is due to unique circumstances that do not generally apply to the other properties or uses.

"Without a sign off Lake Cook Road there is little, if any, way to let the public know where the development is located."

See response #1 (noting precedent for off-site development signs).

3. Describe how the alleged difficulty or hardship has not been created by any person presently having an interest in the property. *(Is the problem or hardship a result of actions taken by the applicant?)*

"Not applicable."

The hardship in question for the request to construct an off-site sign is the location of the property with respect to Lake Cook Road. The petitioner is the developer of the condominium project, but as indicated above, there is a precedent for allowing off-site development signs. The argument for visibility could also be extended to the variation relating to overall signage size. The petitioner has not specifically stated a hardship requiring location of two signs on the same frontage. As noted above, the Plan Commission recommendation would separate the signs by roughly 650'.

4. Describe how the alleged difficulty or hardship has not been created by any person presently having an interest in the property. *(What are the specific negative impacts on the future use of the property if the variation is not granted?)*

"None."

Please see response to #1 and #3.

Request for Board Action

Page 5 of 5

RE: Plan Commission Docket No. 2010-13

5. State how the granting of the variation will not alter the essential character of the locality. (*Will the variation allow for construction or other use of the property that will change the appearance or character of the neighborhood or area?*)

"None."

The signs have existed in a similar configuration for several years. The most significant recent modification is the addition of the landscaped berm.

6. Describe how the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase congestion in the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values within the neighborhood. (*Will the variation have a negative impact on other properties? Will it create traffic, noise, odor, light, or smoke? Will buildings be placed too close to other buildings? Will emergency access to the rear of the property still be possible?*)

"None."

It does not appear as though the proposed signage will have a negative impact on the area.

STAFF REVIEW

Village Planner's Recommended Action: Staff recommended that the Plan Commission discuss the rationale for the variation allowing two signs on the same frontage. The responses to the Standards for a Variation did not appear to adequately address this question. The Plan Commission recommendation did not eliminate the need for this variation, though the signs would be separated by a substantial distance (650') if relocated as the Commission has suggested.

CONDITIONS FROM PLAN COMMISSION RECOMMENDATION

There was one condition, listed below, in the Plan Commission's recommendation to the Board. This condition has been addressed on the revised sign location plan and is therefore not included in the attached ordinance.

1. That the blue sign is to be relocated approximately 650' to the east, near the east end of the petitioner's property along the Milwaukee Avenue exit ramp.

DIRECTOR OF COMMUNITY DEVELOPMENT RECOMMENDATION

I concur with the recommendation of the Plan Commission to approve the requested sign variation, subject to the condition, in order to allow two development signs on the same frontage. An ordinance is attached for the Board's consideration.


Mark Janeck
Director of Community Development

Attachments: Findings of Fact and Recommendation
Ordinance
Sign Drawing (photo with dimensions), submitted 4.14.2010
Sign location plan, dated 5.27.2010
Landscape plan, submitted 4.14.2010

**FINDINGS OF FACT
AND RECOMMENDATION**

To: Village President and Board of Trustees

From: Wheeling Plan Commission/Sign Code Board of Appeals

Re: **Docket No. 2010-13**
Prairie Park Condominiums
Southwest Corner of Lake Cook Rd. and Milwaukee Ave. (near exit ramp)
2010-3 Variations relating to Off-site Development Signs
SCBA 10-9 Appearance approval for Two Development Signs

Chairman Maloney called Docket No. 2010-13 to order on Thursday, May 13 at 7:20 p.m. Present were Commissioners Didier, Dorband, Johnson, Maloney, Ruffatto and Steilen. Also present were Andrew Jennings, Village Planner and Samantha Robinson, Associate Planner.

The petitioner was not present so the Commission decided to continue Docket No. 2010-13 to the May 27th meeting.

Commissioner Didier moved, seconded by Commissioner Steilen to continue Docket No. 2010-13 to May 27, 2010. The motion was approved by a voice vote.

Mr. Jennings asked for input from the Commission so he could forward to the petitioner to avoid a second continuation at the May 27th meeting.

Commissioner Didier felt the larger sign was too large, bold and tacky. She felt it cheapened the property.

Commissioner Johnson felt the larger sign looked cheap.

Commissioner Dorband agreed with the comments.

Commissioner Steilen expressed concern having multiple signs on a single lot. He suggested separating the signs by an appropriate distance.

Commissioner Didier suggested adding a sunburst for "pre-construction prices" to the blue sign.

Chairman Maloney was in favor of removing the red and white sign and making the blue sign larger.

CONTINUATION – LATER DURING HEARING ON MAY 13, 2010

Chairman Maloney called Docket No. 2010-13 to order on Thursday, May 13 at 7:49 p.m. Present were Commissioners Didier, Dorband, Johnson, Maloney, Ruffatto and Steilen. Also present were Andrew Jennings, Village Planner and Samantha Robinson, Associate Planner.

Commissioner Didier moved, seconded by Commissioner Dorband to re-open Docket No. 2010-13. The motion was approved by a voice vote.

Mr. Mark Smith, 1130 Honeysuckle, Wheeling was present and sworn in.

Mr. Smith referred to an existing sign on Lake Cook Road that had been put up approximately three

years ago. He added some dirt in front of the sign without knowing he needed a permit. He planted 350 day lilies, 60 tall grasses and 3 white pines with several boulders. He felt it would be more aesthetically pleasing to put some flowers/trees/boulders in front of it. Mr. Smith indicated that he believed he had previously received approval for the signs.

Mr. Jennings noted the item was originally processed in April as a modification to the existing sign, but as the item was prepared for Plan Commission review, Staff could not find a previous approval for the signs in their present location.

Chairman Maloney opened the public portion of the hearing. No one in the audience came forward with questions or comments. Chairman Maloney closed the public portion of the hearing.

Mr. Jennings reported the Plan Commission's comments from earlier in the evening. He reported there was a general consensus of agreement for the off-site sign variation and size of the sign. The Commission prefers that the two signs be combined to one sign. There were also questions regarding the design of the red and white sign.

Commissioner Dorband likes the blue sign and was not opposed to a larger version of it. She felt the red and white sign cheapened the project.

Commissioner Johnson agreed with Commissioner Dorband's comments and does not believe the red and white sign fits the scale of the project. He prefers a larger version of the blue sign and removing the red and white sign.

Commissioner Johnson has no problem with the extra height.

Mr. Smith agrees the blue sign is beautiful but explained that Lake Cook Road was a high traffic area and the phone number is needed. He was ready to remove the blue sign since you can't tell anything from it.

Mr. Smith explained they need to draw attention quickly for cars going by. He explained that was the reason for the red and white sign. He agrees a larger version of the blue sign would look better but their intent is to get people to their project and have them call. He feels the message needs to be short in order to grab the motorists. He knows the project will sell itself once people arrive.

Commissioner Steilen agrees the blue sign appears small for those driving by on Lake Cook Road. He felt the blue sign worked better on Milwaukee Avenue. He suggested a suitable separation between the two signs if the petitioner wanted to keep both of them. He understands Mr. Smith's reasoning for the red and white sign.

Mr. Smith feels the blue sign was too small for Lake Cook Road.

Commissioner Didier, as a consumer in the market for a condominium, felt the website was more important than a phone number. Mr. Smith mentioned that 82% of buyers throughout the country use a website.

Commissioner Didier felt that the advertising of "pre-construction" prices was a selling point.

Commissioner Didier was not in favor of having two signs next to each other. She felt it appeared as two separate projects.

Commissioner Ruffatto agreed with separating the two signs.

Commissioner Ruffatto did not have a problem with the red and white sign after hearing the petitioner's comments but wants the blue sign moved.

Commissioner Didier questioned if they could add a readable website address to the sign. Mr. Smith explained they were working with a new marketing group that would employ a variety of strategies, including satellite overviews for their website.

Mr. Smith agreed to remove both signs if it was putting the Commission/Village in a bad position. He explained his intent was to sell condos to help out with the tax base.

Chairman Maloney suggested moving the blue sign by Milwaukee Avenue. Mr. Smith agrees the current location of the blue sign was not doing anything.

Chairman Maloney understands the red and white sign was a marketing tool. He was in agreement to keep the red and white sign as long as the blue sign was moved.

Commissioner Ruffatto noted the red and white sign did not show the location of the condos. Mr. Smith explained that was the point to get people's attention to call and find out.

Commissioner Steilen suggested putting the blue sign near the exit ramp from Lake Cook Road.

In reply to Chairman Maloney's question, Mr. Jennings explained the Commission needs to submit a recommendation to the Village Board. Mr. Jennings explained language could be added to the motion in order to move the blue sign near the ramp. The notice that was published references the entire property, so the sign could be relocated without republishing the variation.

Commissioner Steilen asked the petitioner to find the new location for the blue sign and then return to the Plan Commission for approval. Mr. Smith agreed to bring a site plan.

Commissioner Dorband mentioned she had an issue with using different fonts on both signs.

Mr. Smith agreed to move the blue sign. Chairman Maloney suggested marking the blue sign's new location on the current site plan. Chairman Maloney noted the petitioner had marked the new location on the site plan. The entire Commission was in agreement with the new location, which was roughly 650' east of the current location along the exit ramp to Milwaukee Avenue.

SIGN VARIATION MOTION

Commissioner Steilen moved, seconded by Commissioner Didier to recommend approval of Docket No. 2010-13 granting the following variations from Title 21, Signs, of the Wheeling Municipal Code, Chapter 21.06, Commercial and Industrial Districts:

1. Section 21.06.100, Design Standards, allowing two development signs to be located on a property other than the premises which they are identifying;
2. Section 21.06.500 Permitted Signs, Subsection B, Freestanding Signs, Subsection 2, Sign Dimensions, Subsection B, allowing a sign with a total height of 21.5', exceeding the maximum permitted height of 20.0'
3. Section 21.06.500 Permitted Signs, Subsection D, Development Signs, Subsection 4, Number and Size:

- a. Allowing a development sign with a total sign area of two hundred seventy square feet (270 sq ft), which exceeds the maximum permitted sign area of two hundred square feet (200 sq ft).

In accordance with the following exhibits prepared by JELMS, LLC, and received on April 14, 2010:

- Sign location plan
- Sign drawing (photo with dimensions)
- Landscape plan

With the following condition:

1. That the blue sign is to be relocated approximately 650' to the east, near the east end of the petitioner's property along the Milwaukee Avenue exit ramp.

On the roll call, the vote was as follows:

AYES: Commissioners Didier, Dorband, Johnson, Maloney, Ruffatto, Steilen
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

SIGN APPEARANCE MOTION

Commissioner Ruffatto moved, seconded by Commissioner Didier to approve Docket No. SCBA 10-9 to permit the placement of two development to be located on the vacant property on Lake Cook Road, north of the Prairie Park Condominiums, located within the Village of Wheeling, Illinois, in accordance with the following exhibits prepared by JELMS, LLC, and received on April 14, 2010:

- Sign location plan
- Sign drawing (photo with dimensions)
- Landscape plan

And with the following conditions:

1. That the Village Board approves the variations as described in Docket No. 2010-13;
2. That the signs may be displayed for a period of two years, with an extension of two years to be granted at the discretion of the Community Development Director; and
3. That the blue sign is to be relocated approximately 650' to the east, near the east end of the petitioner's property along the Milwaukee Avenue exit ramp.

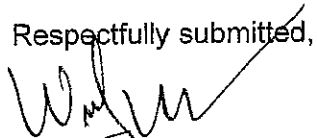
On the roll call, the vote was as follows:

AYES: Commissioners Didier, Dorband, Johnson, Maloney, Ruffatto, Steilen
NAYS: None
ABSENT: None
PRESENT: None
ABSTAIN: None

There being six affirmative votes, the motion was approved.

Commissioner Johnson moved, seconded by Commissioner Didier to close Docket No. 2010-13.
The motion was approved by a voice vote.

Respectfully submitted,



Bill Maloney, Chairman
Wheeling Plan Commission/
Sign Code Board of Appeals

**FINAL FINDINGS E-MAILED TO THE PC 5.25.2010
FOR APPROVAL AT THE PC MEETING 5.27.2010**

**VILLAGE OF WHEELING
LEGISLATIVE COVER MEMORANDUM**

AGENDA ITEM NO(S): #13.E
(To be inserted by Deputy Clerk)

DATE OF BOARD MEETING:

Monday, June 7, 2010

TITLE OF ITEM SUBMITTED:

An Ordinance Amending Ordinance No. 4079,
Granting a Special Use For a Sit-Down/Carry-
Out Restaurant (Café and Deli) at 250-252
McHenry Road (within Creekside Plaza
Shopping Center)
[Previous Docket No. 2006-7A]

SUBMITTED BY:

Mark Janeck 
Director of Community Development

BASIC DESCRIPTION OF ITEM¹:

The petitioner is requesting the following minor
modifications to the previously approved special
use ordinance for the subject unit: addition of
limited live music, modifications to the floor plan,
and modifications to the hours of operation.

BUDGET²:

N/A

BIDDING³:


N/A

EXHIBIT(S) ATTACHED:

Staff report
Minutes from Plan Commission Meeting, 5.27.2010
Ordinance
Photo of Existing Conditions
Ordinance No. 4079

RECOMMENDATION:

To approve

SUBMITTED FOR BOARD CONSIDERATION: VILLAGE MANAGER 

¹ The purpose of the proposed item and a description of same. If the issue is site specific, such as an annexation or road improvement, a map must be attached to the memorandum.

² If applicable, provide all budgetary considerations as follows: is the item covered in the current budget; fund(s) the item is to be charged to; expenses per fund(s) and total cost; and necessary transfer(s) or supplemental appropriation(s).

³ If applicable, describe the bidding process and results for purchases and contracts. If applicable, state whether or not any particular city, state or federal program was considered

ORDINANCE NO. _____

**An Ordinance Amending Ordinance No. 4079, Granting a Special Use
For a Sit-Down/Carry-Out Restaurant (Café and Deli) at
250-252 McHenry Road
(within Creekside Plaza Shopping Center)**

WHEREAS, the President and Board of Trustees approved Ordinance No. 4079 on May 8, 2006, granting a Special Use for a sit-down/carry-out restaurant at 250-252 McHenry Road, within the Creekside Plaza Shopping Center, with a vote of 7 ayes and 0 nays; and

WHEREAS, the petitioner has recently purchased the business and submitted a request to modify certain aspects of Ordinance No. 4079, including an extension of the hours of operation, the reconfiguration of the dining area, the addition of outdoor dining, and the addition of live entertainment; and

WHEREAS, the Plan Commission has determined the proposed changes are minor and a new public hearing is not required to modify the special use ordinance as proposed; and

WHEREAS, on May 27, 2010, the Plan Commission reviewed the proposed modifications to Ordinance No. 4079, recommending approval by a vote of 4 ayes, 0 nays, 2 absent, and 1 vacancy; and

WHEREAS, the President and Board of Trustees deem it to be in the best interest of the Village to amend Ordinance No. 4079 as described in this Ordinance, thus granting the petitioner's request, subject to conditions;

NOW THEREFORE BE IT ORDAINED BY THE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF WHEELING, COUNTIES OF COOK AND LAKE, STATE OF ILLINOIS:

Section A

Section B of Ordinance No. 4079 is hereby amended to read as follows:

"A special use is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, Section 19.10.030 Special Uses, in order to operate a sit-down/carry-out restaurant with live entertainment in a B-2 Neighborhood Commercial District, as shown on the floor plan dated May 27, 2010, herein attached and made part of, for Jazz Café to be located at 250-252 McHenry Road in Creekside Plaza Shopping Center, and in accordance with the previously approved site plan for the shopping center located on the property legally described below:"

...

Section B

Section C of Ordinance No. 4079 is hereby amended to read as follows:

"Special Use Approval Granted in Section B of this Ordinance is subject to the following conditions:

1. That the maximum number of seats shall remain 65;
2. That live entertainment shall occur indoors only and be limited as follows:
 - a. A maximum of four (4) musicians
 - b. A maximum of ten (10) nights per month
 - c. No stage or similar physical modifications to accommodate live entertainment
 - d. All live entertainment shall be inaudible outdoors except through the speakers in the outdoor dining area;
3. That maximum hours of operation are 6 AM to 11 PM Sunday through Thursday and 6 AM to 12 AM Friday and Saturday;

4. That the outdoor dining area shall remain substantially in accordance with the approval granted in Docket No. PC 10-7; and
5. That outdoor speakers shall be turned off at 10 PM daily."

Section C

Those sections and parts of sections of Ordinance No. 4079 not amended in this ordinance are hereby re-enacted and re-affirmed.

Section D

All ordinances or parts of ordinances that are in conflict herewith are hereby repealed.

Section E

This Ordinance shall be in full force and effect from and after its passage and approval, according to law.

Trustee _____ moved, seconded by Trustee _____,

that Ordinance No. _____ be passed.

PASSED this _____ day of _____, 2010.

President Abruscato _____ Trustee Heer _____

Trustee Argiris _____ Trustee Horcher _____

Trustee Brady _____ Trustee Lang _____

Trustee Vogel _____

ORD. NO. _____ APPROVED this _____ day of _____, 2010.

Judy Abruscato
Village President

ATTEST:

Elaine E. Simpson, Village Clerk

APPROVED AS TO FORM ONLY:

Village Attorney

PUBLISHED in pamphlet form this _____ day of _____, 2010, by order of the Corporate Authorities of the Village of Wheeling, Cook and Lake Counties, Illinois.

REQUEST FOR BOARD ACTION

TO: Jon Sfondilis
Village Manager

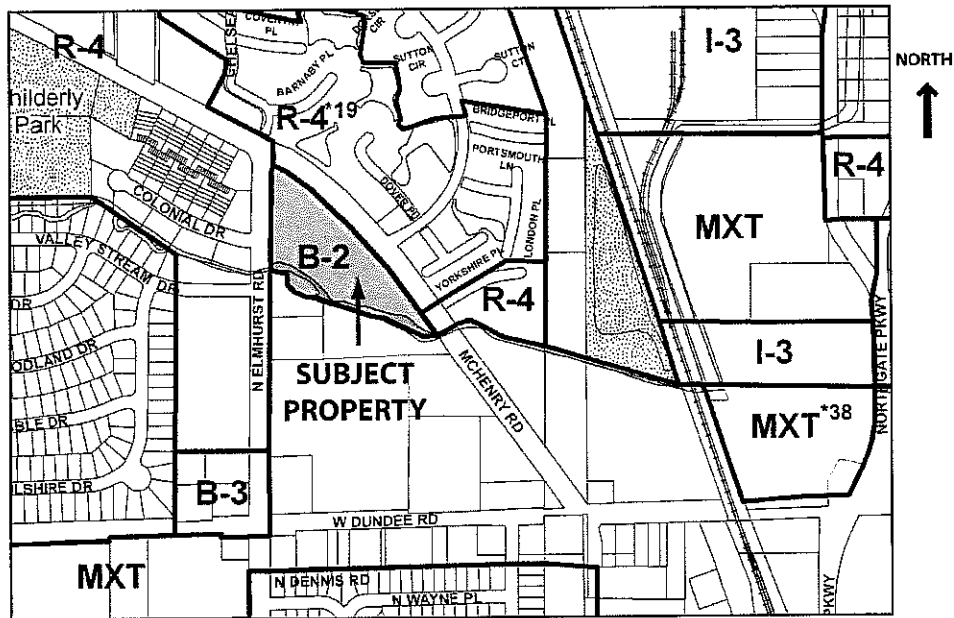
FROM: Mark Janeck
Director of Community Development

DATE: June 3, 2010

SUBJECT: Previous Docket No. 2006-7A
Jazz Cafe
250-252 McHenry Road
Amendments to existing Special Use Ordinance No. 4079 reflecting
floor plan change, addition of live music and outdoor dining area

PROJECT OVERVIEW: The petitioner is requesting modifications to an existing special use ordinance. According to the zoning code, the Plan Commission may recommend that minor changes be allowed without requiring a new public hearing. The petitioner is requesting modifications to the floor plan, the addition of live entertainment, modification of the hours of operation, and a reference to the recently approved outdoor dining area.

LOCATION MAP:



PLAN COMMISSION RECOMMENDATION

At the Plan Commission meeting on Thursday, May 27, 2010, Commissioner Steilen moved, seconded by Commissioner Johnson to recommend approval of Previous Docket No. 2006-7A amending Ordinance No. 4079 for Jazz Café, 250-252 McHenry Road, Wheeling, Illinois as follows:

Section B

"A special use is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, Section 19.10.030 Special Uses, in order to operate a sit-down/carry-out restaurant with live entertainment in a B-2 Neighborhood Commercial District, as shown on the floor plan dated May 20, 2010, herein attached and made part of, for Jazz Café to be located at 250-252 McHenry Road in Creekside Plaza Shopping Center, and in accordance with the previously approved site plan for the shopping center located on the property legally described below:"

Section C

"Special Use Approval Granted in Section B of this Ordinance is subject to the following conditions:

1. That the maximum number of seats shall remain 65;
2. That live entertainment shall occur indoors only and be limited as follows:
 - a. A maximum of four (4) musicians
 - b. A maximum of ten (10) nights per month
 - c. No stage or similar physical modifications to accommodate live entertainment
 - d. All live entertainment shall be inaudible outdoors except through the speakers in the outdoor dining area;
3. That maximum hours of operation are 6 AM to 11 PM Sunday through Thursday and 6 AM to 12 AM Friday and Saturday;
4. That the outdoor dining area shall remain substantially in accordance with the approval granted in Docket No. PC 10-7;
5. That outdoor speakers shall be turned off at 10 PM daily; and
6. That the musicians' area shall be accurately depicted on the floor plan."

On the roll call, the vote was as follows:

AYES:	Commissioners Johnson, Maloney, Ruffatto, Steilen
NAYS:	None
ABSENT:	Commissioners Didier and Dorband
PRESENT:	None
ABSTAIN:	None

There being four affirmative votes, the motion was approved.

GENERAL PROPERTY INFORMATION

<u>Proposed name of Development:</u>	Jazz Café
<u>Applicant Name:</u>	Martha Litas / Jazz Café
<u>Property Owner Name:</u>	James M. Jung, Creekside Partnership
<u>Common Property Address:</u>	250-252 McHenry Road
<u>Common Location:</u>	Located at the intersection of McHenry Road and Elmhurst Road within the Creekside Plaza Shopping Center.
<u>Neighboring Property Land Use(s):</u>	North: Residential (Multi-Family) West: Residential (Multi-Family) South: Commercial East: Residential (Multi-Family)
<u>Comprehensive Plan Designation:</u>	Commercial
<u>Property size:</u>	2,340 sq ft (restaurant unit)
<u>Existing Use of Property:</u>	Sit-down restaurant
<u>Proposed Use of Property:</u>	Sit-down restaurant
<u>Existing Property Zoning:</u>	B-2, Neighborhood Commercial
<u>Previous Zoning Action on Property:</u>	
Docket No. 2006-7A	Special use approval for a sit-down restaurant (Ord. 4079, approved 5.8.2006)
Docket No. 2006-7B	Parking variation associated with Docket No. 2006-7A (Ord. 4080, approved 5.8.2006)

DESCRIPTION OF PROPOSAL

Jazz Café recently opened at 250-252 McHenry Road, operating in a restaurant space that was originally approved as Savas Café and Deli (Docket No. 2006-7A, Ordinance No. 4079, approved May 8, 2006). Since the original approval, the restaurant space has also been occupied by Adams Café. Adams Café completed renovations to the dining room in 2008, adding a buffet table but retaining the original number of approved seats (65).

Jazz Café recently appeared before the Plan Commission to request approval of a new outdoor dining area (Docket No. PC 10-7, approved May 13, 2010). Following the discussion of the outdoor dining area, Staff requested an interpretation by the Plan Commission regarding several modifications to the operation of the restaurant (Section 19.10.030, Special Uses, Subsection I, Revision). The modifications included the addition of live entertainment, an increase to the hours of operation, and a reconfiguration of the floor plan.

Request for Board Action**Page 4 of 5****RE: Plan Commission Previous Docket No. 2006-7A**

At the time of the discussion on May 13th, it was the consensus of the Plan Commission that the addition of live entertainment would require publication of a new public hearing. Following the meeting, the Plan Commission reconsidered zoning code regulations related to special uses. After careful review, the Plan Commission agreed that new public hearing was not required.

The petitioner's current request is to amend Ordinance No. 4079 as follows (see attached draft ordinance and proposed floor plan):

- Replace the floor plan from Section B with the attached floor plan, dated 5.20.2010;
- Revise the hours of operation to: 6 AM to 11 PM Sunday through Thursday and 6 AM to 12 AM Friday and Saturday;
- Include a condition that the outdoor dining area shall be substantially in conformance with the approval granted in Docket No. PC 10-7;
- Include a condition that outdoor speakers, if any, shall be turned off at 10pm daily; and
- Include a condition limiting live entertainment to: a maximum of four (4) performers at a given time, a maximum of ten (10) nights per month, to be inaudible outside of the unit, and with no associated physical modifications such as a stage.

STAFF REVIEW

Impact on Neighboring Uses: It does not appear that the proposed modifications to the special use ordinance will have an impact on neighboring uses.

Village Planner's Recommendation to Plan Commission: Staff recommended approval of the requested modifications to the special use ordinance.

CONDITIONS FROM PLAN COMMISSION RECOMMENDATION

The primary purpose of the petitioner's request was to modify the conditions of approval listed in Ordinance No. 4079 (the original approval ordinance for the restaurant). The Plan Commission recommendation was to update the reference to the floor plan to match the most recent configuration of the restaurant, and then include the following revised list of conditions:

1. That the maximum number of seats shall remain 65;
2. That live entertainment shall occur indoors only and be limited as follows:
 - a. A maximum of four (4) musicians
 - b. A maximum of ten (10) nights per month
 - c. No stage or similar physical modifications to accommodate live entertainment
 - d. All live entertainment shall be inaudible outdoors except through the speakers in the outdoor dining area;
3. That maximum hours of operation are 6 AM to 11 PM Sunday through Thursday and 6 AM to 12 AM Friday and Saturday;
4. That the outdoor dining area shall remain substantially in accordance with the approval

- Attachments: Minutes from Plan Commission meeting 5.27.2010
Ordinance
Photo of existing conditions
Proposed floor plan, dated 5.27.2010
Ordinance No. 4079, approved 5.8.2006

1. CALL TO ORDER

Chairman Maloney called the meeting to order at 6:30 p.m. on Thursday, May 27, 2010.

2. PLEDGE OF ALLEGIANCE

3. ROLL CALL

Present were Commissioners Johnson, Maloney, Ruffatto and Steilen. Commissioners Didier and Dorband were absent with prior notice. Also present were Andrew Jennings, Village Planner and Samantha Robinson, Associate Planner.

4. CHANGES TO THE AGENDA

Mr. Jennings announced Item D, special use for package liquor sales at Krystyna's Market, 835 W. Dundee Road (Docket 2010-16), would not be opened. The public notice requirement had not been met.

5. CONSENT AGENDA

None

6. ITEMS FOR REVIEW

- A) Previous Docket No. 2006-7A
Jazz Café
250 McHenry Road
Amendments to existing Special Use Ordinance No. 4079 reflecting floor plan change, addition of live music and outdoor dining area

Mrs. Martha Litas, 607 Pauline Avenue, Buffalo Grove, President of Jazz Café was present.

Mr. Jennings announced the Plan Commission had discussed this item on May 13 during the discussion of the outdoor seating area for Jazz Café. The Plan Commission discussed the potential changes to the existing Special Use ordinance for this unit and determined based on the information given that a new Public Hearing would be required. Following the meeting, Staff provided additional information relating to the interpretation under Title 19, Zoning, and the Plan Commission at that time determined that, based on the additional information, a Public Hearing would not be required. This item is being considered as a recommendation to amend some of the conditions of approval in the Special Use ordinance. The petitioner was present to discuss the following items: hours of operation; the interior layout of the restaurant; the addition of limited live music; and a reference to the previously discussed outdoor seating area.

Mrs. Litas explained they were planning to remove a part of the wall to have an opportunity to use both rooms for dining. They are also planning to add five tables and chairs to the outdoor area.

DRAFT

Mrs. Litas explained the live music would include a maximum of 2-3 musicians at the same time. She felt it was important to provide this background music for the Jazz Café to be successful.

Chairman Maloney questioned the location of where the musicians would perform. Mrs. Litas noted they would perform in the area between both rooms. She noted the location on the site plan.

In reply to Commissioner Johnson's question, Mrs. Litas confirmed the previous deli equipment had been removed.

Commissioner Johnson referred to conditions 2d and 5. He felt there was a contradiction between the two proposed conditions. He mentioned one of the conditions stated the music would be inaudible outside but then the other condition referred to outdoor speakers. Mr. Jennings agreed to reword the condition. He explained the intent of the condition was so the actual live music would not carry to the outside.

Mrs. Litas mentioned there were double doors with a glass area so the music could not be heard from the outside.

In reply to Commissioner Steilen's question, Mrs. Litas confirmed there would be no stage. She confirmed the musicians would stand.

Commissioner Steilen agreed conditions 2d and 5 needed to be reworded.

Commissioner Ruffatto questioned the location of the musicians. Mrs. Litas explained the musicians would face the fireplace.

Commissioner Ruffatto requested a drawing showing the locations of the tables and musicians.

In reply to Commissioner Ruffatto's question, Mrs. Litas confirmed they would open to the public at 11:00am but would be at the restaurant at 6:00am preparing the catering for Forever Young Adult Day Service.

Mr. Jennings noted the previous establishment had breakfast hours. Mrs. Litas confirmed they would not be open for breakfast.

Commissioner Ruffatto questioned if the window signage met the sign code regulations. Mr. Jennings confirmed it was within the percentage allowed.

In reply to Commissioner Ruffatto's question, Mr. Jennings confirmed the "Jazz Café" sign on the side of the building was a temporary sign.

Commissioner Ruffatto questioned if the café would host private parties. Mrs. Litas confirmed they would host private parties on the weekends only and close between 11:00pm and 12:00am. She confirmed they would not go past midnight.

Chairman Maloney felt there should be a public hearing whenever there is live entertainment. He suggested working on this change in the future.

Commissioner Steilen moved, seconded by Commissioner Johnson to recommend approval of Previous Docket No. 2006-7A amending Ordinance No. 4079 for Jazz Café, 250-252 McHenry

DRAFT

Road, Wheeling, Illinois as follows:

Section B

"A special use is hereby granted under Title 19, Zoning, of the Wheeling Municipal Code, Chapter 19-10 Use Regulations, Section 19.10.030 Special Uses, in order to operate a sit-down/carry-out restaurant with live entertainment in a B-2 Neighborhood Commercial District, as shown on the floor plan dated May 20, 2010, herein attached and made part of, for Jazz Café to be located at 250-252 McHenry Road in Creekside Plaza Shopping Center, and in accordance with the previously approved site plan for the shopping center located on the property legally described below:"

Section C

"Special Use Approval Granted in Section B of this Ordinance is subject to the following conditions:

1. That the maximum number of seats shall remain 65;
2. That live entertainment shall occur indoors only and be limited as follows:
 - a. A maximum of four (4) musicians
 - b. A maximum of ten (10) nights per month
 - c. No stage or similar physical modifications to accommodate live entertainment
 - d. All live entertainment shall be inaudible outdoors except through the speakers in the outdoor dining area;
3. That maximum hours of operation are 6 AM to 11 PM Sunday through Thursday and 6 AM to 12 AM Friday and Saturday;
4. That the outdoor dining area shall remain substantially in accordance with the approval granted in Docket No. PC 10-7;
5. That outdoor speakers shall be turned off at 10 PM daily; and
6. That the musicians' area shall be accurately depicted on the floor plan.

On the roll call, the vote was as follows:

AYES: Commissioners Johnson, Maloney, Ruffatto, Steilen
NAYS: None
ABSENT: Commissioners Didier and Dorband
PRESENT: None
ABSTAIN: None

There being four affirmative votes, the motion was approved.

- B) Docket No. 2010-14 and SCBA 10-17
U-Store-It
1004 S. Milwaukee Ave.
2010-14 Variations relating to Maximum Sign Area due to an addition of an Electronic Message Center
SCBA 10-17 Appearance approval for an Electronic Message Center

See Findings of Fact and Recommendation for Docket Nos. 2010-14 and SCBA 10-17.